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JULIUS ROSENBERG ET AL.

FILE DESCRIPTION

HEADQUARTERS

FILE

SUBJECT

ABRAHAM BROTHMAN

FILE NO.

100-365040

VOLUME NO.

6

SERIALS

461-493

PART II

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File No: 100-365040
action 6

Re: BROTHERMAN, B. L. HARRIS
MEEUWOL VS MEESE

Date: _____
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
461	12-1-50	NY let	1	1	
462	11-28-50	Winterrowd memo LADD	1	1	
463	11-18-50	NY TT HQ	2	2	
464	11-20-50	PG TT HQ	1	1	
465	11-18-50	NY TT HQ	1	1	
466	11-20-50	CV TT HQ	2	2	
467	11-20-50	NY TT HQ	2	2	
468	11-22-50	LAUGHLIN memo BELMONT	1	1	
469	11-20-50	NY TT HQ	2	2	
470	11-21-50	NY TT HQ	4	4	
471	11-21-50	NY TT HQ	4	4	
472	11-22-50	NY TT HQ	2	2	

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REV REL DEN REF PRESUMED PREPROC FBI/DOJ

File No: 100-365040

Re: BROTHERMAN, ABRAHAM
MEEROPOL VS MIEESE

Date: _____
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
473	12-4-50	NY Let HQ /and	1/71	1/71	b2 b7c b7D
473	12-19-50	HQ let NY	1	1	
474	12-4-50	PH Rpt	7	7	
475	10-24-50	NY TT HQ	1	1	
NR	10-26-50	NY Let HQ /and	2/23	2/22	b1 1pg ref NIS
476	11-14-50	NY Let HQ	10	10	b1 b2 b7D
477	8-25-50	LADD memo DIRECTOR	1	1	
NR	11-24-50	USA let HQ	1	1	
478	12-2-50	HENNRICH memo BELMONT	1	1	
479	12-11-50	HQ let NY	1	1	
480	12-11-50	HQ let AAG	1	1	
481	12-7-50	NY TT HQ	1	1	

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REV REL DEN REF PRESUMED PREPROC

File No: 100-365040

Re: BROWMAN, ABRAHAM
MEEROPOL VS MEESC

Date: _____
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
482	12-8-50	OG memo	1	1	b7c b7D
483	12-13-50	NY TT HQ	2	0	b1
483X	12-13-50	NY TT HQ	1	1	
483X1	12-4-50	LADD memo Director / ebf	1/57	1/54	2 pgs Refer PASSPORT b1 b2 b3 RULE (b)(3) b7c b7D
484	12-14-50	HQ TT NY	1	1	
485	12-8-50	NY let HQ	1/38	1/38	
486	12-12-50	HQ let Attache London	1	1	b1
487	12-19-50	HQ let AAG	1	1	
488	12-7-50	3rd PARTY let HQ	1	1	
	12-13-50	plans copy	2	2	b2 b7c
488	12-18-50	HQ let AL	1	1	
489	12-22-50	AL let HQ	1	1	

109 REV 104 REL 3 DEN 2 REF 0 PRESUMED 0 PREPARED

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REV REL DEV REF PRESUMED PREPARE FBI/DOJ

is on Fourth Avenue and 32nd Street on the southeast corner.

Q You had a conversation with him about his relations with Golwynne or Chemurgy? A I had a long conversation with Abe that night, not in the bar but during a long walk up and down to Wanamaker's store.

Q What was said between the two of you?

MR. KLEINMAN: Your Honor, I object to this. I see no connection between that and the charge here, a conversation concerning Golwynne and Chemurgy.

THE COURT: A conversation concerning -- what was that?

MR. SAYPOL: Concerning Golwynne -- the Golwynne Company with which the defendant Brothman was associated at that time.

MR. KLEINMAN: Chemurgy.

THE COURT: A conversation that he had with Brothman?

MR. SAYPOL: Yes, a conversation he had with Brothman.

THE COURT: I will overrule the objection because I do not know what the conversation is and I cannot tell at this point whether it is irrelevant.

MR. KLEINMAN: Exception.

Q Will you tell us about that? A During this walk

Abe told me that he had had a quarrel with Henry Golwynne and with his other partner in Chemurgy, Artie Weber --

Q Did he tell you that he had formed or intended to form a new business of his own?

A He did tell me he had a separate quarrel with Weber and Heilig of the Regal Chemical Company. As a result of these two quarrels Abe had formed with certain other men --

Q Who were they? A There was Jules Korchien, Oscar Vago, Emil Barash, Gus Wollan, the four of those -- in connection with those -- in company with those four men, he had formed a firm called Abe Brothman and Associates.

Q At that time did he invite you to join Abe Brothman and Associates? Did he offer you any employment?

A Yes, he did.

Q Did you accept it at that time?

A No, I did not.

Q Now, what was the nature of the continuing meetings, if any, from that time on until about March of 1946?

A Until March of 1946 there were only few and infrequent meetings between Abe and I. The general -- what was generally done was that I did work for Abe. I did go to Abe's lab, as I did once in the summer of 1945, and conducted some chemical work for him there.

Q About that time, in September, 1944, what was the situation with respect to your Soviet superior?

MR. KLEINMAN: I object to this, if your Honor please.

THE COURT: I will sustain the objection.

Q Did you continue at the same time to meet with Sam, your Soviet superior, after September of 1944 in the intervals between your meetings with Brothman?

A My last meeting with Sam occurred about February of 1944 and Sam was then replaced by a Soviet agent whom I knew as John.

Q How long did your relations with him continue?

A I met with John steadily from February of 1944 up until January or February of 1946. There was one final meeting in December of 1946.

Q During the continuance of your relations with John, was there any traffic in respect to Brothman?

A There was none whatever.

Q At some time did Brothman discuss with you the possibility of obtaining Soviet backing?

A Yes, he did.

Q Will you tell us about that. Fix the time for us, too, and the place where you had the talk with him.

A It is difficult to fix the exact time. All I can do is give it by year. There was one occasion -- this

is very difficult trying to depict it exactly -- I have no reference point to hang it on -- there was one occasion in 1943, while Abe was still associated with the Chemurgy firm, when he asked me to try to get some funds, on the order of several hundreds a month, so that he could employ as draftsmen two friends of his at the Chemurgy offices. After Abe formed the firm of Abe Brothman and Associates, on one occasion in 1944 and on another occasion in 1945 -- I just can't place it any closer than that -- Abe asked me to try and get money for him through Amtorg and my Soviet superior.

Q Did you talk to your Soviet superior about that at the time? A I mentioned it to my Soviet superior.

Q Who was it then, John or Sam?

A It was John.

Q What did John say?

MR. KLEINMAN: I object to it.

A I never got the offer --

MR. KLEINMAN: Just wait a minute. I object to what John said, Judge.

THE COURT: I will overrule that objection on the same basis that I overruled your other objection to the conversation with Sam in connection with his friends wanting a job. On the same basis I will overrule your objection.

MR. KLEINMAN: Exception, sir.

A I never got the offer out.

Q What did John say? A He said not to mention Abe again.

Q Why, did he say?

MR. KLEINMAN: I object to that.

Q Did he say anything further? A Yes, he did.

Q What did he say?

MR. KLEINMAN: Objection.

Q Give us the whole conversation.

THE COURT: Wait a minute. Don't give it. There is an objection.

MR. SAYPOL: I am sorry.

THE COURT: I think we will take the answer up to that point. I do not think we will take any more of it. I do not know what is coming but it might be something we should not have.

MR. SAYPOL: I think, if your Honor please, we ought to have the whole answer.

MR. KLEINMAN: I think if we had the offer of proof at the bench your Honor might be able to rule on it. I do not know what the answer is.

MR. SAYPOL: It will only take a moment.

(Discussion at the bench among court and counsel, off the record, not in the hearing of the jury).

(The proceedings were resumed within the hearing of the jury, as follows):

BY MR. SAYPOL:

Q Now, will you come on to February of 1946. Do you remember about that time your employment with the Pennsylvania Sugar Company ceased, Mr. Gold?

A Yes, I was laid off from the distillery division of the Pennsylvania Sugar Company in February of 1946. The distillery was closed down.

Q Did you come to New York in March and meet Brothman on 32nd Street? A Yes, I did.

Q Did you have a conversation with him about the termination of your employment in Philadelphia?

A I told Abe that I was having difficulty at work. I did not tell him that I actually had been fired.

Q What did he say? A Abe made me an offer to come to work for him as his chief chemist at Abe Brothman and Associates.

Q What was your salary to be? A The salary was to be \$100 a week.

Q Did you commence work for him? A Not immediately.

Q When did you begin to work for him? A In May of 1946.

Q Were you working there in May of 1947?

A Yes, I was.

Q In the interval from the time you started, you continued to work there at \$100 a week? A That is correct.

Q Was your pay steady? A Up until about May of 1947 it was steady.

Q Now, do you remember the 29th of May, 1947?

A I don't remember the 29th of May but I remember an occasion a day or so prior to Memorial Day of 1947.

Q Do you recall on that day at about three o'clock where you were? A A little before three I was in the Elmhurst laboratory.

Q I am referring to an occasion when you left the laboratory about three o'clock in the afternoon, starting for New York, do you remember that? A Yes, I do.

Q Tell us what happened that day at that time?

A I had reached a point in the laboratory work where I could not go any further without consulting chemical literature, so I started out for the Engineering Society's library in New York.

Q Where is that located? A It is somewhere around 39th Street between Fifth and Sixth Avenues.

Q Is that a frequent occurrence in the work that you did? A It was a very frequent occurrence at this period. I couldn't work without going to the literature.

Q Continue then with your story. A I started out

from Elmhurst where the laboratory was located for New York. I went to Queens Plaza on the Independent Subway and I got off there and went up to the Brothman offices.

Q Was that also a frequent occurrence on your way to New York? A That was a routine procedure with me. I wanted to see if there was anything further that Abe desired besides the information that I myself wanted to look up in the library.

Q What happened when you got into the office, who did you see? A Abe came forward --

Q What did he do? A He broke into my story about how things were going at the lab.

Q You mean you started to talk with him --

A As soon as I opened the door I started to tell him about what I had done at the lab --

Q Yes, and what did he do? A He broke into my story and he seized me by the arm.

Q What did he say? A He said, "Look, Harry, the FBI was just here. They know everything. They know all about us. They know that you were a courier. It must have been that bitch Helen."

Q What else did he say? A "They even have pictures of you and I together. You have got to tell some story to cover me up. They are coming to see you this afternoon.

Did you know John?" I replied that I --

Q Wait, now. Did he say anything about the kind of story that you were to tell or that he had told?

MR. KLEINMAN: I object to any leading from this point on. I had no objections all afternoon but I think he should not be led from this point on.

THE COURT: Please try not to.

MR. SAYPOL: I will do so.

Q Go ahead. A I replied that I did not know John. Abe then said "You have got to tell the same story I did to cover me up."

He then launched into a description of a picture that he said had been shown him by the agents of the FBI.

Q A picture of who, did he say? A He said it was a picture whom the agents of the FBI had identified as a man called John Gollush, and he pronounced it as if it was spelled G-o-l-l-u-s-h, or maybe i-s-h.

Q Did he describe to you what the person in that picture which had been shown to him - what that person looked like? A Abe told me that the picture was that of a man with a wizened face, a wry grin, a receding hairline and curly hair, what there was of it.

Q What else did he say to you? A Abe told me to identify that picture as John Gullush. He told me to make up any story to conceal the true facts as to how we had

actually met, and said that I should tell the FBI that I actually met him, Abe, through Gollush.

He suggested that I should say that we had been writing a book together, Abe and I, if I were questioned about our activities. And he also told me that Miriam Moskowitz was at that very moment on her way to Gibby Needleman in the Amtorg Company.

Q Do you see Miriam Moskowitz in court? A Yes, I do.

Q Will you point her out? A That is Miriam Moskowitz (indicating).

MR. KLEINMAN: Indicating Miriam Moskowitz.

Q Who is Gibby Needleman?

MR. KLEINMAN: I object to that.

THE COURT: Do you know where he is employed?

Q Do you know who Gibby Needleman is?

MR. KLEINMAN: I object to that.

MR. SAYPOL: The witness has testified that Brothman told him then that Miriam Moskowitz was on the way over to see Gibby Needleman.

THE COURT: I heard it.

MR. SAYPOL: I am sorry.

THE COURT: Where was Mr. Needleman employed?

THE WITNESS: At that time he was employed as an

THE COURT: Very well.

Q What was Miriam Moskowitz's relation to the Brothman firm? A At that time Miriam was the secretary and treasurer of the Brothman firm. She also acted as the stenographer and the bookkeeper; in fact the whole office force.

Q Did she have a proprietary interest in the firm, do you know? A Yes, she was a partner in the firm.

THE COURT: She was a what?

THE WITNESS: A partner.

Q Was she in the firm at the time that you first were employed by it in 1946? A Yes, she was, in 1946.

Q Who were the other partners at that time?

A At that time the only other partners besides Abe was Oscar Vago.

Q Coming back to this conversation you told us about when Brothman met you coming in there that day, what did he tell you to do besides telling the story that you described? A Abe told me to go back to the lab, but he also told me to conceal from the agents of the FBI the fact that there had been a meeting between the two of us. He said that he had given them his word that he would not speak with me until they had seen me first.

THE COURT: Mr. Saypol, have you got quite a bit to go yet?

MR. SAYPOL: I think so, your Honor, yes.

THE COURT: I think that this might be a good time to suspend. I want to suspend a little earlier tonight, unless we are going to break in on a subject-matter that you have started.

MR. SAYPOL: I think we have put in a long and active day and I would appreciate it.

THE COURT: Ladies and gentlemen of the jury, you are excused until ten-thirty tomorrow morning, with, of course, the admonition that you won't read the newspapers concerning this case, or listen to the radio concerning this trial, nor discuss it amongst yourselves or permit anybody else to discuss it with you. Ten-thirty tomorrow morning.

(Adjourned until Friday, November 17, 1950,
at 10:30 a.m.)

WITNESS INDEX

Name

Direct Cross Redirect Recross

Harry Gold (resumed)

632 688

UNITED STATES OF AMERICA

v.

ABRAHAM BROTHMAN and MIRIAM
MOSKOWITZ.

New York, November 17, 1950,
10.30 o'clock a.m.

Trial resumed.

Present: Mr. Saypol,
Mr. Cohn,
Mr. Foley,
Mr. Donegan.

Mr. Kleinman,
Mr. Messing,
Mr. Sattler.

(Defendants in court.)

(Jury in box.)

THE COURT: Is the witness being brought in?

MR. SAYPOL: I believe so, your Honor.

H A R R Y G O L D resumed.

DIRECT EXAMINATION CONTINUED BY MR. SAYPOL:

Q Mr. Gold, yesterday at the adjournment, as I recall it, you described to us a conversation with the defendant Abe Brothman in which he told you of the visit of the FBI agents; you remember that? A Yes, I do.

Q Do you recall that you told us that Brothman had particularly admonished you to withhold from the agents the fact that there had been any conversation between you

and Brothman about the visit of the agents?

MR. KLEINMAN: Now, I object to this, if your Honor please. I know that Mr. Saypol is trying to shorten the period of examination by refreshing the witness's recollection of yesterday, but I submit that this question is in the form of a conclusion that he puts to him on a very vital matter.

THE COURT: I do not think it is even in the form of a question. I think all he is trying to do is to direct his mind as to what occurred at the close of the session yesterday.

MR. KLEINMAN: I appreciate that, but the way Mr. Saypol puts it, he has put in certain language which has not been testified to by the witness.

THE COURT: There was no answer to it. Mr. Saypol, suppose you put your next question and take it from there.

MR. SAYPOL: Will the reporter be good enough to refer to his notes of the last few questions and answers before adjournment yesterday and read them.

THE COURT: Perhaps I can help you without making the reporter do that. As I have it, he said that he had a conversation with Abe, and Abe told him to make up any story and to say that they were writing a book together. He then told him that Miriam Moskowitz was on her way over

to see Gibby Needleman, was it?

THE WITNESS: Gibby.

THE COURT: G-i-b-b-y?

THE WITNESS: Yes, sir.

THE COURT: Gibby Needleman, who was attorney for the Amtorg Corporation.

Does that give it to you?

MR. SAYPOL: Yes,, and I recall that immediately preceding that that there was the type of question and answer that I have described.

Q What else happened then after that?

A I left for the firm's laboratory in Elmhurst.

MR. KLEINMAN: I did not get the answer.

THE COURT: He left for the firm's laboratory.

THE WITNESS: In Elmhurst.

Q Just before you left was there any conversation between you and Brothman about John --

MR. KLEINMAN: I object to any leading, if your Honor please.

THE COURT: Overruled.

A Abe told me that the agents of the FBI had identified the picture as one of a John Gollush, and he pronounced it as if it was spelled G-o-l-l-u-s-h or maybe i-s-h, and he told me should I be shown this picture that

I should likewise identify the man as John Gollush, and should make up a fictitious story involving the fact that I had been introduced to Abe through John Gollush.

Q In truth and infact you had never met John Golos or Gollush or whatever his name was, is that so?

A I had never met John Golos.

Q Was a person of that name ever your Soviet superior? A No, sir.

Q Having returned to the laboratories in Elmhurst, what happened? A On the way out to the laboratory on the Queens Independent Subway I mulled over several stories --

MR. KLEINMAN: I object to this.

THE COURT: That is right. Don't tell us what you mulled over in your mind.

THE WITNESS: All right.

When I arrived at the laboratory --

Q What time did you get there? A Sometime after four o'clock, about four o'clock I would say, just about four. After I had been there about twenty minutes, two men entered. It was a large man and a smaller one. They looked around and they asked for Harry Gold. I came forward and said that I was Harry Gold. They said that they represented the United States Government. They wanted to talk to me. At this time I noticed that Miriam Moskowitz had come in just behind these two men. In fact one of them was so large that he had completely obscured her, and I excused myself for a minute and I went up to Miriam. She spoke to me and told me that Abe had gone home with a splitting headache and that they would get in touch with me later in the evening. She then left.

Q What happened with respect to the agents or the men who were there from the Government as you have described them? A The two men suggested that because of the other people in the laboratory, we could talk more freely in their car. So I went outside with them and we sat in the car for a while until everybody in the lab had gone home around five o'clock. While we were sitting in the car they introduced themselves as Agents Shannon and O'Brien of the FBI. They showed me their credentials. Then they showed me --

MR. KLEINMAN: If your Honor please, I should object from now on to any conversation or conduct or actions in this automobile between the witness and the two agents of the FBI.

THE COURT: Did you say in the automobile?

MR. KLEINMAN: Yes.

MR. SAYPOL: At this time I submit all of the elements of the conspiracy have been established involving both of the defendants and Gold, the co-conspirator, and any conversations by any of the conspirators are admissible.

THE COURT: I will overrule the objection.

MR. KLEINMAN: Exception, sir.

Q You may continue, Mr. Gold.

A The two agents, Shannon and O'Brien, showed me several pictures. Among those was one of a man with a wizened face, a wry grin, receding hairline and curly hair. They asked me whether I knew this man just as they had asked me about the other pictures, whether I knew any of the others. I identified the man as John Gollush.

Q Did you make that identification in spite of the fact that you had never seen Gollush before?

A I made that identification despite the fact that I had never seen him before. The description tallied accurately with the one I had been given --

Q By whom? A By Abe Frothman.

Q What happened after that? A About this time we went back into the laboratory.

Q Continue, Mr. Gold. A We went back --

MR. SAYPOL: Will the reporter read back to me the description?

MR. KLEINMAN: I object to this as repetitious.

THE COURT: Objection overruled. It is not repetitious. The lawyer just wants to get his train of thought. I think he should be permitted to get it. Let us not be technical.

MR. KLEINMAN: Then could we get it at the stenographer's desk?

MR. SAYPOL: Don't you want the jury to hear it?

MR. KLEINMAN: I prefer to have it at the stenographer's desk.

(Discussion off the record.)

(The reporter read back the following questions and answers out of the hearing of the jury:)

"Q You may continue. Mr. Gold.

"A The two agents, Shannon and O'Brien, showed me several pictures. Among those was one of a man with a wizened face a wry grin, receding hairline, and curly hair. They asked me whether I knew this man, just as they had asked me about the other pictures, whether I

knew any of the others. I identified the man as John Gollush.

"Q Did you make that identification in spite of the fact that you had never seen Gollush before?

"A I made that identification despite the fact that I had never seen him before. The description tallied accurately with the one I had been given --")

Q I show you Government's Exhibit 2 in evidence, Mr. Gold. Do you recall whether that was the picture that was shown to you by Agents Shannon and O'Brien (handing)? Is it a clear likeness?

A This is a picture that I was shown.

Q That is the man whom you identified as John Golos or John Gollush, although you had never in fact seen him before? A I had never seen him before. I have never seen him.

Q Continue, if you will, with your testimony regarding conversations with the agents in the automobile.

A We left the automobile and we went into the laboratory.

Q Do you recall what time of the day it was by then?

A Oh, it was after five. It is very hard for me to tell the exact time. All that I know is that we kept talking and it became dark while we were in the laboratory. At the time we left the car it was still light. This was

right at the end of May and I think daylight saving was in effect, yes.

Q All right, continue. A In the course of my talk with Agents Shannon and O'Brien, I told them a completely false story involving how I had allegedly met Abe through John Gollush. This concerned the person by the name of Carter Hoodless and involved meeting Gollush through Hoodless at an American Chemical Society meeting in Philadelphia in the fall of 1940.

Q Will you continue? A I chose Carter Hoodless --

MR. KLEINMAN: I object to this as to any of his mental processes or reasons for doing it.

THE COURT: Yes. Do not tell us your mental process.

THE WITNESS: All right, sir. During the course of our talk somewhere around eight p.m., I would say, Miriam called and I told her just that I was still busy. I signed the statement relating all of the events about this concocted fable.

Q Who prepared the statement? A Agent Shannon did, the large man.

Q I show you Government's Exhibit 6 in evidence. Will you examine it and tell me whether that was the statement that was prepared at that time and which bears your signature at various places and at the end?

A Shall I read it completely?

Q Just examine it and see whether it is the statement.
A This is the statement, and it is my signature on it.

Q I direct your attention to the following reference in the statement which you made at that time: "In October 1940 I was introduced to a man by the name of John Golush or Golish, by Carter Hoodless, who was a good friend of mine." Were any of those facts true?

MR. KLEINMAN: I object to this, if your Honor please. I submit that the point is not whether they were true or not, but whether this was in pursuance of the conspiracy the district attorney alleges.

MR. SAYPOL: I will withdraw that.

Q Were these statements made by you As a result of the conversation with Abe Brothman to which you have testified?

MR. KLEINMAN: I object to that. That is calling for a conclusion.

THE COURT: He has already given us the conversation.

MR. KLEINMAN: On that ground I say the question is improper now.

THE COURT: As a matter of fact, it is my opinion that he could not only ask him that, but he could ask him whether it was true or false.

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MR. KLEINMAN: May I have an exception to
your Honor's ruling?

THE COURT: Very well.

THE WITNESS: I forgot the question now.

MR. SAYPOL: Madam Reporter, will you re-read that last question.

(Question read by reporter.)

A Yes, they were.

Q Was it true or false that you had first met Brothman in 1940, in October of 1940?

A It was false.

Q When actually did you first meet Brothman?

A On the night of September 29, 1941.

Q Was it true or false, as stated in this statement, Government's Exhibit 6 --

MR. KLEINMAN: Your Honor, I think that we are not speaking about the same thing. Mr. Saypol asks whether that sentence which he read was true or false and then he asks as to when he first met Brothman.

MR. SAYPOL: I will withdraw that whole line, your Honor. Mr. Kleinman is correct. I made a mistake and I am sorry. I had not meant that. Mr. Kleinman, you are quite right.

THE COURT: I believe it is a little too early in the morning for Mr. Saypol, too.

MR. SAYPOL: I will try to take it in good grace. I confess my sins and my errors if I am aware of them. I have already completed a full day's work at this time.

THE COURT: Very well.

Q Was it true or false as indicated in your statement, Exhibit 6, that in October, 1940, you were introduced to a man by the name of John Golish, -- G-o-l-u-s-h or G-o-l-i-s-h?

A That was a lie.

Q In the same vein, was it true or false that such an introduction had been made by one Carter Hoodless?

A That was a lie.

Q Was it true or false that such an introduction had taken place at a meeting of the American Chemical Society at the Franklin Institute in Philadelphia, Pennsylvania?

A That was false. It never occurred.

Q Was it true or false that after that meeting, this Golish or Golush and you went to a restaurant on Broad Street and remained there until 2.30 a.m.?

A That was a lie. That event never took place.

Q Was it true or false that on such an occasion Golish or Golush made the following proposition to you, that you were to telephone Abe Brothman, a chemical engineer in New York City, and make an appointment to see him and you were to discuss two chemical processes with him and to obtain blueprints from him which you were to evaluate against the chemical soundness of the processes?

A That whole business was a lie.

Q Was it true or false that as a result of this meeting

with Golush you telephoned to Brothman in New York City and made an appointment to see him about two weeks after October 1940? A That never took place. It was a lie.

Q Is it true or false, as you say in this statement, Exhibit 6, "I saw Brothman the first time in November, 1940, and obtained the blueprints. This meeting was in the evening and took place in New York City in a restaurant in the downtown section."?

A That was a lie

Q In truth and in fact, when for the first time did you meet Brothman? A I met Abe somewhere between Sixth and Seventh Avenues, somewhere in the high 20's, in his car on the night of September 29, 1941.

Q Under the circumstances as you have described them heretofore in this trial, is that so?

A That is correct.

Q Are your answers the same as to the balance of the contents of this statement that you signed, Government's Exhibit 6?

MR. KLEINMAN: I must object to that.

A I have to read that, Mr. Saypol.

MR. SAYPOL: I will withhold it for the time being. I do not need to dwell on it.

Q What was the basis for these false answers that you gave which you have testified, as they are contained

in Government's Exhibit 6?

MR. KLEINMAN: Objection.

THE COURT: I will sustain it. That is not quite clear. Do you mean you want to know who told him to make those statements?

MR. SAYPOL: I want to know -- he emphasized it already -- it is objectionable as to form, but I do not think it is too vital, and I will withdraw the question.

Q Was it as a result of your conversation with Abe Brothman, which you have testified, that you made these false statements in Government's Exhibit 6?

A Yes.

Q Was that the only reason for the making of the false statements? A That was the only reason for making the statements that I made.

Q How long did you remain or how long did the agents remain with you in the laboratory of Abe Brothman Associates that night?

A Up until about 9 p.m.

Q What happened after that? A They left, and shortly --

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THE COURT: Let me get back to something you just said, that the so-called instructions or advice from Brothman was the only reason that you had for making those statements to the FBI agents.

THE WITNESS: That is correct.

THE COURT: Weren't you also trying to protect yourself from being detected?

THE WITNESS: Your Honor, I had no choice in the matter. When I arrived in Abe's offices the decision was already made for me. He told me that the FBI had pictures of Abe and me together and he told me that I had to cover him up, they were coming out to see me this afternoon, and there was no choice or even time --

THE COURT: Don't you really have reference to the fact that the type story that you were telling, in fact, was dictated by Brothman.

THE WITNESS: That is correct.

THE COURT: As distinguished from the reasons so-called.

I do not know whether you see my point, Mr. Saypol.

MR. SAYPOL: Well, as I see it, Brothman told him to tell a false story that he had told and directed him to conform his story with his.

MR. KLEINMAN: Your Honor, I submit it is improper for these --

THE COURT: Disregard that statement of Mr. Saypol's. Continue.

MR. SAYPOL: I merely tried to answer your Honor's query. I think I see it eye to eye with your Honor.

THE COURT: Proceed.

Q What happened after that? A Shortly after the agents left, I received another phone call from Miriam, and this time I told her that I was through with my work and she said that she and Abe would be out shortly.

Q Was anything said about the agents?

A There was no word, no conversation, whatever, about the agents.

Q In other words, you merely made the statement that you were through with your work?

A That is correct.

Q Did the defendants Moskowitz and Brothman arrive at the laboratory thereafter? A Yes, they did. They arrived shortly after the call, and as soon as they entered, Abe said, "Well, how did you make out with them?" And I started to say that I thought --

MR. KLEINMAN: Not what he started to say; it is what he said that we are interested in.

THE COURT: Tell us what you said even if it was broken off in the middle of a sentence.

A I never completed it. I said, "I thought I had carried it out very well," but I never got to complete the statement.

Q What happened? A Miriam interrupted. She gave me a hug and she said to Abe that I had been wonderful,

that I had been superbly nonchalant when the agents walked into the laboratory that afternoon.

Q What was said or done after that?

A We left almost immediately and we went to a restaurant which is on Queens Boulevard, the Rego Park section, called "Sunny of Chinatown." It was spelled without an apostrophe.

Q Is that S-o-n-n-y or S-u-n-n-y?

A No, S-u-n-n-y.

Q Go ahead. Did you have a meal there?

A We had a dinner there.

Q The three of you? A The three of us had dinner there.

Q Did you talk? A Yes, we did.

Q What was said? A The greater part of the conversation was between Abe and myself and we reassured each other-- kept reassuring each other, that very likely the FBI did not know as much about us as we had at first feared.

Q Did Miss Moskowitz have anything to say?

A Miriam said that she had been to see Gibby Needleman that afternoon and that she was sure that while driving over to New York in Abe's car that she had been tailed for part of the way, but she said that she had succeeded in eluding her pursuers.

Q What else did she say? A She said that she had talked with Needleman and that Needleman's advice had been for Abe and I to tell the agents of the FBI that we were busy and that we couldn't be bothered, that we had no time for such nonsense.

Q What happened after you finished dinner?

A We returned to the laboratory --

Q Who? A -- where we had a long talk.

Q Who? A The three of us returned.

Q What time did you return to the laboratory?

A Oh, it must have been sometime around 11 o'clock, I would say.

Q What was the subject of the conversation amongst the three of you; what did you talk about and what did you say?

A First Abe asked me to tell him the story, what sort of story I had told to the agents. And I related in detail the completely fictitious story involving Carter Hoodless and the American Chemical Society and John Gollush.

Q Did Brothman say anything when you told him that story? A Abe said that he thought I had made a very fine choice of a story.

Q Was there any discussion about any of your past activities? A The next thing was that Abe asked me to reveal to him first every phase of my espionage activities; that is, every phase of which he had no knowledge whatever.

THE COURT: Was this in the presence of Miss Moskowitz?

THE WITNESS: This was in the presence of Miriam Moskowitz.

Q Did he say the reason why he wanted you to tell him that? A He said that he needed to know about all of these things in case he should be interrogated later.

Q What did you say? A I refused point blank.

Q Did you tell him the reason why or did you give him any reason why? A I told him that he was already deeply enough involved without having other knowledge which he might be asked about later and which would incriminate him.

Q Did you tell him anything else?

A He told me, or rather I told him under his questioning about the second phase of telling him everything that that had to do with my personal life.

Q What did you tell him?

A I told him that contrary to the story which he had believed up to the present moment on this night or a day or two before Memorial Day of 1947, contrary to that story, that I actually had no wife and two twin children, that I was a bachelor and had always been one.

Q Was there any conversation about the use of the name Frank Kessler? A There was another phase of this

story, and that concerned my brother. Sometime before I came to work for Abe I had told him that my brother had been killed in action in the South Pacific, and I told Abe that this was not so, that my brother was still alive. The next thing --

Q I want to take you -- excuse me, I thought you were finished. I am sorry. Go ahead.

A The next thing that happened was a discovery by Abe and I --

Q Well, wait a minute. Let me try to get you along on this. What talk did you have with him about the use of the name Frank Kessler, if any?

3 A I told Abe that I was worried about the fact that many times prior to May of 1946, when I came to work for him, that I had been introduced to people in his organization and to others as Frank Kessler, and I told Abe, after a little talking, that I would give as a reason, should there be any further questioning about that -- should there be any questioning, there had not been any -- should there be any questioning about this, I would say that it was because I was afraid of being fired from my job in the Pennsylvania Sugar Company for the reason of coming to see Abe and the story, the false story, of having done consulting work for him. Actually that was partly false and partly true.

Q Did Miss Moskowitz remain present throughout this

conversation? A Yes, she did.

Q What time did she leave, or did she leave at any time? A Miriam left once and that was to go out to a White Tower on Queens Boulevard nearby to get some hamburgers and coffee. It was around, oh, maybe 1 o'clock.

Q Did Abe say anything further to you that night about any resentment or anything like that?

A It was when she left that the only part of the conversation where she was not present took place, and Abe asked me, Did I feel at all hurt or resentful of the fact that he had admitted to the agents of the FBI, that he had given my name to the agents of the FBI so that they would later that afternoon come out to see me to check his story. He said that he felt that he had taken a wise course since he felt that the agents would sooner or later have run across my name due to the fact that we were so closely associated in business.

Q Was anything further said about his original idea that the story should contain some element about the two of you collaborating on a technical book?

MR. KLEINMAN: I did not hear that before, and I submit that this is leading at this time.

THE COURT: It was said yesterday.

MR. KLEINMAN: That the two of them would collaborate, that that was the original idea?

THE COURT: That is right. That was said yesterday. As a matter of fact, I repeated it this morning.

MR. KLEINMAN: I am sorry. Then I have forgotten it. I withdraw my objection.

MR. SAYPOL: Will your Honor bear with me for just a moment?

THE COURT: May I see Government's Exhibit 6, please. (Exhibit handed to the Court.)

MR. SAYPOL: May I proceed, your Honor?

THE COURT: Yes.

MR. SAYPOL: What was the last question, Mr. Reporter? (Question read.)

A Abe told me again that it would be a good idea, should there be any further interrogation, to say that we had been working together on writing a book on chemistry and chemical engineering.

Q Thereafter did you part, did you leave each other that night? A There is just one more thing--

Q Well, what is it? A And that concerned the fact that I questioned Abe about the pictures which he had described to me, pictures where he said that the FBI had shown him these photographs and we were apparently in a restaurant with our heads close together. Abe was evasive with his answer--

MR. KLEINMAN: I move to strike out the

characterization.

THE COURT: Strike the characterization. Did he say anything in reply?

THE WITNESS: He made a reply.

THE COURT: What did he say?

THE WITNESS: I can't recall the exact words and that is why I had to characterize it, your Honor.

Q Do you recall being with Abe and Miss Moskowitz the following night, the following evening?

A I am not sure whether this was the same evening or whether it was the following evening. It was one of the two of them.

Q The time you parted on the night in question, when you were questioned by the agents, you told us was 1 a.m. Does that help to refresh you?

A Frankly, it does not.

Q All right. A Because I may very well have continued to work in the lab for two or three more hours.

Q All right. A It doesn't help me at all.

Q About that time do you remember driving to Pennsylvania Station with Abe? A Yes, I do. It was either that morning or the following morning, and sometime around 4 a.m. I know that. Abe, Miriam and I, drove over from Queens to the Pennsylvania Station. I was going home to Philadelphia for the week-end. I was sitting in the front with Abe in the car and Miriam was in the back. While we were riding over to New York a quarrel broke out between Abe and myself.

Q What did he say and what did you say?

A Abe criticized me because I had on several occasions in the past few years brought a man to work in the laboratory, the Elmhurst laboratory, of the Brothman firm and had also brought him to Abe's offices in Long Island City. This man was the same man who had obtained for me the job in the Holbrook Company in 1933, and the same man with whom I later on entered into espionage work for the Soviet Union. Abe criticized me for having brought this man around. He said he felt that this man was a vital factor on the American side of the Soviet espionage setup. He said perhaps the most vital one. He said that he was very much afraid that by having brought such a person around, that attention might be attracted to the Brothman organization, and Abe, and that thus the extent of Abe's own involvement might be

revealed.

Q Did he say to whom it might be revealed?

A To the federal authorities.

Q What did you say? A I told Abe that the man had come to work in the Brothman firm for a period of a day or so or for consulting work at Abe's own request. Abe had asked me to get the man up here. He was a good chemist.

Q Did this continue back and forth while you were riding in the car? A This continued back and forth while we were riding in the car. Furthermore, the man had come up here and had not received any fee. In fact he had paid his own train fare.

Q In any event, by the time you got to New York, what was the state of the relations between you? What were you saying and what was he saying? A When we passed in front of the Seventh Avenue entrance of the Pennsylvania Station, I was ready to punch him in the nose.

Q Did you? A No, I didn't.

Q What happened? A Miriam Moskowitz broke the quarrel up.

Q What did she say? A She said that we were both acting very foolishly and that this was no time for the two of us to fight because a falling out between Abe and

myself was exactly what the federal authorities wanted.

Q Do you remember how you were seated in the car that morning, and who was driving? A I was seated in the front with Abe. Abe was driving. I can't drive.

Q Where was Miss Moskowitz? A Miriam was in the back seat.

Q Thereafter did you go on to Philadelphia?

A I went home to Philadelphia. I got either a four-thirty or a six o'clock train.

Q When did you return? A I returned a day or so later. It was, I think, the last day of the Memorial Day weekend.

Q You returned in the daytime or the evening?

A No, I returned in the evening.

Q Where did you go? A Around eight or nine o'clock. I went directly to Sunnyside to Abe's home.

Q Did you see him there? A Yes, I did.

Q Did you see anybody else there? A I saw Naomi there.

Q That is Brothman's wife? A Yes.

Q What did you do? A We left in Abe's car and we drove to Manhattan.

THE COURT: What day did you say this was?

THE WITNESS: This was the last day of the Memorial Day weekend, as I recall it.

him to say that the defendant Brothman told him that Gibby Needleman was aware of his Soviet activities?

THE COURT: Yes.

MR. SAYPOL: Soviet espionage.

Q When Needleman and Brothman returned to the automobile, what happened? A Abe drove the car for about five minutes.

MR. SAYPOL: I withdraw the last question.

Q Before Abe went up to Needleman's apartment or into Needleman's house, or wherever Needleman was, did Brothman say anything about the purpose of his visit to Needleman? A Yes, Abe said that he wanted to talk with Gibby further and obtain his advice on just what to say should there be any more interrogation by the agents of the FBI.

Q Did this conversation take place in the presence of Mrs. Brothman? A Yes, it did.

Q What time do you recall that it was that Needleman and Brothman returned to the automobile? A I cannot recall the exact time. All that I can recall is that it was about eight or nine when I got to New York, and we left immediately. We drove over to Gibby Needleman's. Abe remained there for twenty or thirty minutes, and he came down.

Q Did they get into the car? A Abe and Gibby

got in the car. Gibby sat with me in the back and Abe was driving. Naomi was in the front seat with him.

Q Then what happened? A Abe drove for about five minutes and somewhere in Manhattan we dropped Gibby off, but while we were riding in the car, Gibby said that if there was going to be any further visit by the FBI, he said, "Tell them to go to hell, throw them out of the office. Tell them you're busy." That was the only thing I can recall that was said. There was more that was said during that five minutes but that is the only thing I can remember.

Q Thereafter, was Needleman let out of the car?

A Yes, he was let out on the street corner.

Q What did you and Brothman and his wife do, where did you go? A We went to Peekskill where Abe had a summer home at that time, some distance out of Peekskill, New York.

Q What happened when you arrived at Peekskill?

A Abe and I took a walk along one of the roads near his home.

Q Did you have some talk with him then? A Yes, I did.

Q Tell us what the conversation was? A Abe told me that he was worried about the blueprints he had given in the past to other Soviet agents besides myself, and he

said he was particularly afraid about the blueprint regarding the turbine-type high speed aircraft engine which he had given to John, and the plans for one of the first jeep models which he had given to Helen. However, he said that in the case of Helen he wasn't too worried because very likely she didn't understand what the drawings referred to, and she had no technical knowledge whatever.

Q When he mentioned Helen, did you know whom he meant? A When he mentioned Helen, I knew that he was referring to the woman who had preceded me as his Soviet contact.

Q That was the same name that you mentioned to him when you first established contact with him in 1941?

A That is the name I mentioned when I said "I bring regards from Helen."

Q As I recall it, you told us you have never met her? A I have never met Helen.

Q Did you have some conversation with him that night about a visit that had been made to your home in Philadelphia? A I told Abe that while I had been home for the weekend, in fact shortly after I had arrived, I had been visited by two Philadelphia agents of the FBI. These men had made inquiries about any blueprints of the Hendrick Company which I had told agents Shannon and

two men had conducted a very cursory search of the house. It wasn't even a search. They just asked about the blueprints and I took them around the house and said there weren't any. Abe was greatly concerned about this. He was critical of the fact that I had even admitted to the agents, Shannon and O'Brien, the fact that there might be blueprints and also to the Philadelphia men that there was the possibility of such blueprints.

Q Did you have any talk about Gibby Needleman's advice? A We talked about Needleman's advice, and Abe said that it would undoubtedly be best for the two of us to continue to appear to be giving every degree of co-operation to the agents of the FBI when they came around.

Q Was there any other conversation that you have not told us about? A Yes, once again Abe told me - possibly this was in connection with the existence of any blueprints in my home - to emphasize the point should there be any questioning of me, that I was working with Abe principally to write a technical book on chemistry and chemical engineering. He seemed to be fascinated by that idea.

MR. KLEINMAN: I move to strike it out.

THE COURT: Strike it out.

Would you please rise, Mr. Kleinman and Mr. Saypol, when you make your objections.

MR. KLEINMAN: I am sorry, I didn't mean any disrespect to the Court. When an answer comes in that way, I have to reply quickly.

THE COURT: I know you don't mean any disrespect.

MR. SAYPOL: Your Honor wasn't addressing himself to me?

THE COURT: No --

MR. SAYPOL: I think your Honor will find that I am usually careful about those things.

THE COURT: We will take the morning recess at this point ladies and gentlemen.

MR. SAYPOL: May I have this marked for identification?

X

(Marked Government's Exhibit 20 for identification.)

(Short recess.)

Q Mr. Gold, I show you Government's Exhibit 20 for identification. Would you examine it and tell me whether you recognize the likeness (handing)?

A Yes, that's Gibby Needleman.

MR. SAYPOL: I offer it in evidence.

THE COURT: Any objection?

MR. KLEINMAN: No objection, sir.

(Government's Exhibit 20 for identification received in evidence.)

X

Q Did you return to New York the following morning?

A Yes, we did.

Q I want you to go back a period of some six weeks after that Decoration Day weekend. Do you recall some incidents one night when you were coming toward New York from Elmhurst or when you were coming from New York to Elmhurst, either way?

A About that time, about six weeks after the visit of the FBI, I was returning from one of the technical laboratories in New York. This was in the evening, about 8 or 9. I was on my way back to work that night at the Elmhurst laboratories, and on the way, as was my custom, I stopped off at the lab to see Abe, to see if there was anything that he wanted me to do in the laboratories besides what I had in mind. When I entered the firm's offices Abe told me that he had that day received a subpoena from a federal grand jury sitting in New York to appear and testify before them.

THE COURT: Approximately when did this occur?

THE WITNESS: About six weeks after the time that we were questioned by Agents Shannon and O'Brien.

THE COURT: That would make it about six weeks after May 29th?

THE WITNESS: That's right.

THE COURT: That would put it sometime in the early part of July?

THE WITNESS: As near as I can recall, sometime

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in the early part of July.

THE COURT: All right.

THE WITNESS: That is as close as I can place it.

THE COURT: Very well.

Q Did Abe ask you whether you had received a subpoena, too? A Abe asked me whether I received a subpoena and I said I didn't know; I told him that it was a good likelihood that if one had come that it was at my former address in the Elmhurst-Jackson Heights area where I had a room with a family called Pereira.

Q Did Abe say anything to you about that?

A Abe told me to go out there the first thing the following morning and check to see whether there was any such subpoena.

Q What else did he tell you?

A Abe asked me to tell him all of the facts about which he was not yet aware about me on espionage activities, and once again I refused.

Q Did he say why he wanted you to tell him those things?

A He said that he didn't want to be tripped up when he went to testify before the grand jury by facts of which he had no previous knowledge.

Q What was your answer to him?

A I told him, as I had before, that it would be dangerous for him to have further knowledge of my espionage activities, and that he was already involved deeply enough without having any further incriminatory facts on his mind.

Q What happened after that?

A The following morning I went out to the Pereiras and

talked to Mr. Pereira and he told me that there had been no such subpoena. So I went back to Sunnyside and stopped off at Abe's home, and that morning -- I was on my way out to a library again in New York -- and that morning I told him that there had been no summons and Abe said that that was good.

Q Do you remember some days after that having had a conversation with either of the defendants or both regarding consultation with a lawyer?

A Yes. I remember what was said. The only thing that is vague is whether I had the conversation with Miriam and Abe together or whether Abe told me and then Miriam told me the same thing, but these facts I remember very well: That both Abe and Miriam told me, whether separately or together, that they had decided to use the services of a lawyer called Tom Kiernan, who worked for a firm of which the four members are Clearly, Gottlieb, Friendly & Cox. It is a Wall Street law firm. Kiernan at that time was acting for the Brothman organization as its business attorney. And Abe said that he wanted to see Kiernan to find out just how a grand jury worked, just what the procedure was, and also to find out out he should conduct himself before the grand jury.

Q Did you have a talk with Abe or with Miriam or both of them about the kind of story that was going to be

told to Kiernan; was Kiernan going to be told the truth, or was he going to be told the story that had been concocted?

MR. KLEINMAN: I object to the form of the question, if your Honor please.

THE COURT: All right. Don't suggest anything to him whether he was going to tell the truth or whether he was going to tell a story that had been concocted. Was anything suggested about the type story you would tell Mr. Kiernan?

THE WITNESS: Abe told me that he was going to tell Kiernan the same story he had originally told the agents of the FBI.

Q Do you recall a conversation sometime after that, perhaps a day or two, with Miss Moskowitz concerning this subject? A Yes.

Q What was the conversation? A Miriam told me that she was concerned because at that time Abe had stated that he had considered changing the story he had originally told to the agents of the FBI; that is, considered changing it when he would tell it to the grand jury. And she said that she was going to try and get him to stick to the original story.

Q Did she tell you what she was going to tell him?

A She was going to tell him to try to stick to the original story and not to change it.

Q Sometime thereafter, or the same night perhaps, did

you and Moskowitz and Brothman meet for dinner again?

A Yes, we did. I can't place the events of this period up to the time that Abe actually testified. I can't place them as far as the time intervals go. The only thing that I know is the day after Abe got a subpoena I went up to the Pereiras, and I saw Abe that morning. The whole -- all of the events up to the time Abe got a subpoena, up to the time he actually testified, happened with a space of a week or ten days, but to give you the exact time intervals, I just can't do that.

Q Do you remember a meeting of the three of you in which there was some conversation about what had transpired after Brothman had consulted Kiernan?

A Yes. This was -- this meeting took place in the evening and was at Topsy's Restaurant on Queens Boulevard in the Forest Hills section. During the course of the dinner that we had there -- Abe and Miriam and I were the ones present -- during the course of the dinner that we had there Abe told me that he had been to see Kiernan and had told Kiernan the original story he had told the FBI, the false one, and that he was going to tell that same story the following morning, or whenever it was that he was to appear before the grand jury.

He excused himself at one point and he went to the -- well, he excused himself.

Q Just before that, when Abe told the story about his conversation with Kiernan, did Miss Moskowitz say anything? A Just before that?

Q I say, after he had told the story--

A Well --

Q Just a moment. After Brothman had narrated the story of his conference or conversation with Kiernan, including the false story that he has told to Kiernan, did Moskowitz say anything?

A Miriam said that was good.

Q And you say Brothman excused himself at that point?

A He excused himself at that point and he left.

Q Did you and Miriam continue to remain at the table?

A Yes, we did.

Q As the events developed did he go permanently or did he return? A Oh, no, I guess maybe he went to the bathroom or something.

Q All right. While you and Miriam remained alone at the table did you have any conversation about that?

A Yes.

Q What did she say? A Miriam told me that she and Gibby Needleman together had succeeded in persuading Abe from his desire to -- which she had told me about several days before -- to change the original story which he had given the agents of the FBI, and that between the two of

them, with mostly Gibby being effective, that Abe had been persuaded to tell the same identical story he had previously given just before Memorial Day of 1947.

Q Now I project you to the morning of Brothman's appearance before the grand jury. Do you remember that morning? A Yes, I do.

Q Did you see Brothman before he left to go to the grand jury? A Yes, I did.

Q Did you have any talks with him then?

A Abe told me at that time or asked me rather -- he asked me whether there was anything at all that I should tell him now before he went up before the grand jury, I should tell it to him that morning. He said that he didn't want to go up before the grand jury and hear before them for the first time of some incriminating incident or bit of evidence that might serve to trip him up. He said, "It is better if I hear it from you now."

Q Did you see him after his appearance before the grand jury? A Yes, I did.

Q Describe the circumstances, tell us where it took place, who was present, the time and what was said.

A I spent the morning in New York at a technical library and in the afternoon I came over to Queens, Long Island City, and I met Abe and Miriam in a small restaurant which was near the Chatham-Phoenix Building where the firm

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had its offices. It is a place called Antoine Tokarsk's.

Q Did you have some conversation there regarding his appearance before the grand jury?

THE COURT: That was the afternoon of the morning when he had appeared?

THE WITNESS: That was the afternoon of the morning.

THE COURT: When he had appeared before the grand jury?

THE WITNESS: When he had appeared before the grand jury.

A Abe told both Miriam and I that he had neither winced nor cringed nor flinched or begged in his appearance before the grand jury, but that he had behaved himself with dignity. Miriam said that that was good.

Abe said that the grand jury had been stuck to the gills with stories of spying and were ready to believe anything that the federal authorities told them. Abe said that they had asked him about a meeting with Helen which had occurred in front of the Mosler Safe Company and at which meeting he had transferred to Helen a blueprint.

Abe also said that after he had left the grand jury room he had gone directly to Kiernan's office and there had related substantially what had occurred before the grand jury, but he said that he had omitted certain incidents because he didn't seem to think it wise for Kiernan to have

knowledge of it.

I asked Abe whether there had been any mention of my name. He said, No, there had not; my name had not been brought into any of the questions he was asked.

Q Do you remember yourself receiving a subpoena to appear before the grand jury?

A Yes, I do.

Q Will you tell us about the incidents immediately preceding the delivery of the subpoena to you, under what circumstances did you get it?

A Once more I was returning from a technical library in New York City. The time was about 10 or 11 o'clock at night. Let's see now. Yes, it could have been that late. It could have been as late as 11. And I entered the Brothman offices-- once again I was on my way out to the laboratories to work -- and Abe told me --

Q Just a moment, who was present when you got there?

A The following people were there: Oscar Vago, one of the partners, Sol Fanshel, Bob Gerson and Bill Rohall. I am a little dubious about Fanshel --

Q Was Miss Moskowitz there? A I cannot recall.

Q Did you have a conversation with Abe?

A Yes, I did.

Q What was said? A Abe told me that there was nothing

to worry about, all I had to do --

Q Wait. Before he started to tell you not to worry did he tell you that anything had been delivered there for you? A Yes. I am sorry I jumped ahead. Abe told me that there had that day arrived at the laboratory a subpoena for me to appear before, the same federal grand jury before which he had appeared, and he told me there was nothing to worry about, that all I had to do was tell the same story he had told, to back it up.

Q Did he give you the subpoena?

A Abe gave me the subpoena.

Q Did he say anything else about consulting a lawyer?

A Abe told me that on the following day that he had made arrangements for me to see Kiernan and to do as he had done, to give Kiernan an account of the story, but the false account, the one which backed up his story.

Q Did you say anything in response to this?

A Yes, I told Abe that I was anxious to go home. The time between my receiving the subpoena and my actual appearance before the grand jury was a matter of about three or four days. I had no idea of what was going to happen and I wanted to see my family before I appeared. Abe said that there was no time for this. He said that I had to see Kiernan the next day.

Q What did you do? A What is that?

Q What did you do then? A I went out to the laboratory and worked the rest of the night until about 5 a.m.

Q Thereafter did you see Mr. Kiernan?

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A I did see Mr. Kiernan, but not the next day. I saw Mr. Kiernan, I think, the day after the time I was supposed to see him, and I gave Kiernan -- I related to Kiernan the same story I told the agents of the FBI. That is the one about meeting Abe through a John Gollush, meeting Gollush through a Carter Hoodless, and the whole story about the American Chemical Society and the dinner on Broad Street and so on.

Q Did Mr. Kiernan say anything to you?

A He did not, but I never saw a more incredulous man in my life.

MR. KLEINMAN: I move to strike that out, sir.

THE COURT: Strike it out.

Don't you think in fairness to Mr. Kiernan that we ought to find out in what way he was incredulous? Mr. Kleinman, seriously?

MR. KLEINMAN: I have never spoken to him, Judge.

THE COURT: Neither have I and I do not know the man, but in fairness to him don't you think we ought to find out in what way he believed he was incredulous?

MR. KLEINMAN: I withdraw my objection.

THE COURT: You may tell us. You say that you

found him to be incredulous. What do you mean by that?

THE WITNESS: Well, he just didn't seem to believe anything that I said. He sat on his hands literally.

MR. KLEINMAN: He said what?

THE COURT: "He sat on his hands literally."

MR. KLEINMAN: Literally.

Q Do you know whether he got paid for listening to that? A Yes, Abe told me at a later date that the total fees for the appearance for Kiernan's advice in connection with our --

MR. KLEINMAN: Do we have to go into the amount?

THE WITNESS: All right.

THE COURT: Do you want to have the amount, Mr. Saypol?

MR. SAYPOL: No, I am just trying to profit for the future myself, perhaps.

THE COURT: Well, you have the information and you can keep it

Q Do you remember the night before you were to appear before the grand jury? A Well, before that and sometime in between -- I can't place it accurately -- sometime in between the time that Abe told me about the subpoena having come to the lab and sometime before the night that I appeared before the grand jury, Abe gave me a transcript, a copy, of the grand jury testimony he had given to the grand jury.

It was a copy --

Q Wait a minute. Do you mean the official transcript?

A No, no, no. It was the copy of the story he had related to Kiernan and he told me that I should read it over and use it for a guide. But I hardly glanced at it because he had also said after he had appeared before the grand jury that he had left out certain things.

Q You mean there were certain things he hadn't told to Kiernan and therefore that would not appear in the transcript? A That is correct. Besides I was pretty busy at that time in the lab.

Q Rather than a transcript, I take it that it was a summary of his story that he had told to Kiernan?

A I am sorry, I have used the wrong word. It was a summary, an account.

Q It wasn't a transcript in question and answer form?

A No, it was a running narrative account.

Q Do you remember the night before you testified before the grand jury in 1947?

A The night before I testified Abe, Miriam and I were in the Brothman offices, and Miriam said that this one night she wanted to go home early so that Abe and I would have plenty of time to match our stories before my appearance before the grand jury the next morning. And in accordance with her wishes we left about 11 o'clock, but first Abe said

that he wanted to drive over to Woodside from Queens Plaza and pick up a fellow called Bill Levine, a Dr. Levine, a Ph. D. in Chemistry.

Q Did Levine spend some time with the both of you that night? A Well, we drove Miriam over to Eighth Avenue where she lived and Levine spent some time with us that night.

Q Thereafter, after you left Levine, how long did you and Brothman remain together?

A Abe and I talked for about an hour and we walked along --

Q Until what time? A Until about 5 a.m.

MR. KLEINMAN: Would you fix the place, please?

Q Where did this conversation take place?

A We walked up and down along Skillman Avenue, where Abe lived.

Q What did you talk about? A Abe told me again that all I had to do was tell the same story I had originally given the agents of the FBI, a story that backed up his.

Q Did you rehash the story in that walk?

A We went over the salient details of the story.

Q Was any suggestion made by him as to what your conduct, your appearance, should be before the grand jury?

A Abe told me that when I appeared before the grand jury that I should not appear abject, that I should show

no fear. He said, "If it is necessary, be defiant."

Q Was there any discussion between you as to his view of the amount of information which the grand jury had regarding this subject matter?

A Abe said that he had a feeling that the grand jury did not have very much information regarding either of the two of us, and that they were just sort of fishing around. I told Abe that I was afraid about one thing, and that was some trips that I had made in 1945 to the southwest. I said that there might exist records of airplane reservations, pullman reservations, hotel reservations, and I said that it was possible that the FBI might be in to probe into those things.

Abe said that I shouldn't concern myself about it because with the literally millions or hundreds of thousands of people traveling at that time during the war years that it was exceedingly unlikely that any such records could be dug up. The last thing that was--

Q Did you tell him then the nature of these trips?

A No, I did not, except that - I told him that it had been on espionage missions. I would like to change that Mr. Saypol.

Q Yes. A I cannot recall definitely telling him they were on espionage missions but Abe always understood this.

MR. KLEINMAN: I move to strike out the latter part.

THE COURT: Strike it out.

Q In truth and in fact, what was the purpose of these trips to the southwest in 1945?

MR. KLEINMAN: I object to that.

THE COURT: I will sustain the objection.

Q Did those trips relate to the espionage activities which you heretofore have described as being the subject of your work?

MR. KLEINMAN: Objection.

THE COURT: I will sustain that.

Q What time did you go to bed? A Well, before we went to bed, Abe again told me about telling the grand jury that we had been collaborating together on a technical book should I be asked to explain our activities at the time that we met.

Q Was anything said at that conversation about blueprints? A Abe said to try to keep any mention of blue-

prints out of any testimony that I might give to the grand jury.

Q Is that all you recall that was said between you that morning? A No, this was all the night before.

Q We are talking now about four or five o'clock in the morning, are we not? A Well, that's right. It is about five o'clock in the morning. It was dark.

Q You are talking about the night time even though it may have been in the morning hours before you appeared before the grand jury? A That is what I had reference to.

Q Quite evidently or definitely it was dark?

A It was dark.

Q What time did you go to bed? A Around 5 a.m.

Q Where did you sleep that morning? A I slept in Abe's apartment.

Q Where is that located? A That is on 42nd Street in Sunnyside.

Q What time did you get up to go to the grand jury?

A I got up somewhere around 7 a.m. I got up pretty early.

Q Was Abe up when you got up? A Well, just as I was on the point of leaving, Abe called me over to the bed and he asked me did I harbor any resentment toward him because of the fact that he had brought my name into the inquiry so that I now had to go down and testify before

the grand jury.

Q What did you say? A I said that I did not.

Q Did you give you any further admonitions about the nature of the testimony you were to give? A Once again Abe told me to - all I had to do was to stick to my original story and everything would be all right.

Q Thereafter did you appear before the grand jury?

A Yes, I did.

Q Did you testify? A Yes, I did.

Q Did you tell the grand jury in substance the same sort of a false story as is described in Government's Exhibit 6? A Yes, I did.

MR. KLEINMAN: I object to that, if your Honor please I think we have had some reference to the grand jury, haven't we?

THE COURT: Yes.

MR. SAYPOL: I am wondering whether I should take the time to have the witness reread the testimony.

THE COURT: Isn't this a great time-saver?

(Mr. Saypol and Mr. Kleinman confer.)

MR. KLEINMAN: I will withdraw my objection, your Honor.

Q What was the answer to my last question, Mr. Gold?

A (No answer.)

MR. SAYPOL: Will you read it, please?

(Question and answer read.)

THE WITNESS: Yes, I did.

Q More particularly, did you tell the grand jury the same sort of a false story as you told to Agents Shannon and O'Brien as is contained in Government's Exhibit 6, regarding the time and the circumstances under which you and Brothman first met? A Yes, I did.

Q Is it at this trial that you have recounted the true and accurate version of the time and circumstances under which you and Brothman first met?

MR. KLEINMAN: I object to that. That seems to be the ultimate question in the case and not for the witness to answer.

THE COURT: Objection overruled.

MR. KLEINMAN: Exception.

A I have given the true story in this court as to how Abe and I first met.

Q Had you had instructions from Brothman prior to your appearance before the grand jury regarding a further conversation with Mr. Kiernan? A (No answer.)

Q Maybe I can rephrase it. After you got through testifying before the grand jury did you go to see Mr. Kiernan again? A I went to see Mr. Kiernan.

Q At whose direction did you go? A That is exactly what puzzles me. I can't recall whether Abe had told me

to go see him or whether, when I originally gave my account to Mr. Kiernan, he said to come back and tell him about it.

Q Did you go back, in any event? A In any event I did go back after I gave my testimony.

Q Did you tell him the cock-and-bull story again?

A Yes, I did.

THE COURT: Let me ask you a question. What was your appearance in May and June of 1947? Were you heavier in stature?

THE WITNESS: Very much heavier.

THE COURT: About how many pounds heavier?

THE WITNESS: I may have weighed at least fifty pounds more, at least.

THE COURT: That was your stature at the time you felt like striking Mr. Brothman? You were about 50 pounds heavier, were you?

THE WITNESS: Yes, at least. I was sloppy fat.

Q After you talked with Kiernan, did you return to Brothman's offices? A I didn't return to the offices. I met Abe in Anton Tokarski's restaurant with Miriam.

Q Did you have some talk? A Yes, I did.

Q What did Abe say and what did you say? A Abe and Miriam both wanted to know how I made out and I told them that I had thought that I had been successful in creating an

impression before the grand jury of a somewhat timid, frightened man who had in some manner become involved just on the fringe of espionage work, but who had never actually committed an overt act and that I was now - that is at the time of appearance before the grand jury - completely aghest at what I had been on the very brink of.

Q What did Abe and Miriam say as to that? A They both said that if I had succeeded in creating such an impression, it was fine.

Q How long did you remain with Brothman and Associates in their employ? A I remained with the Brothman firm up until June of 1948.

Q Subsequent to your appearance before the grand jury, was any further inquiry made of you by any agency regarding your relationship with Brothman or Moskowitz or your activities? A Subsequent to what?

Q Subsequent to your appearance before the grand jury in July of 1947? A And up until what time?

Q So long as you remained associated with Brothman.

A So long as I remained associated with Brothman, no.

Q When after your appearance before the grand jury in July of 1947 was the next time that any inquiry or conversation was had with you by any Government agency or any representatives of any Government agencies? A The 15th of May, 1950.

Q That is approximately three years after you had testified before the grand jury and told this false story, is that correct? A That is correct.

Q I think you told us you remained in Brothman's employ until 1948? A June of 1948.

Q In that interval were there any occasions where you had any conversations with either of these two people regarding your continuing employment by the partnership?

A Well, from about April or so of 1947, the pay in the Brothman firm was very irregular and there were long periods during which none of the members of the organization drew any salary at all, and on several occasions, from the time that I testified up until the time that I left - I can't place them accurately except that I know there were several occasions in that period -- Abe told me that I had to stay with the Brothman organization regardless of the fact that there was no pay because the two of us had to be together so that we could check our stories should there be any further questioning by the Government.

Q About the time that your relationship, your employment with Brothman, terminated, do you remember an incident when both Brothman and Moskowitz were absent from the places of business for some short interval? A Yes, Abe and Miriam late in May of 1948 went on a business trip to

Switzerland together.

Q How long were they gone? A About a week or ten days.

Q Do you know whether anybody else accompanied them?

MR. KLEINMAN: I object to that as incompetent, irrelevant and immaterial.

THE COURT: I will sustain it.

Q Did you go with them? A No.

MR. KLEINMAN: I object to that. He said they went

THE COURT: All right, he didn't go. There is no harm in that question.

Q When did they return? A Very early in June of 1948.

Q What happened with respect to your employment by the Brothman firm? A I left the employment of the Brothman firm right after Abe returned.

Q After that, up until the present time, when was the last time that you saw Brothman or Moskowitz?

A Up until the present time, I did not see Abe or Miriam.

Q Do you remember the last day that you saw them before? A The last day was on a Saturday early in June.

Q Did you have a conversation? A Yes, I did.

Q What was the conversation? A Abe told me to keep very clearly in mind in the future the story which I had

originally told the agents of the FBI.

Q In what words did he tell you that, if you remember? A The exact words?

Q Yes, if you remember them? A Well, he said to keep the story clearly in mind and regarding the fictitious story we had originally told, and then he added at the end, he made this statement: he said, "Don't pull a Louis Budenz."

THE COURT: Was Miss Moskowitz present?

THE WITNESS: No, she wasn't.

Q Did he refer to the agents of the FBI in the Government? A Yes, he did. He said if there should be any further questioning by the Rover boys - which was a term that we used in referring to the FBI --

Q The next time you heard from the Rover boys was in 1950, is that right? A Yes, I did.

MR. SAYPOL: You may examine, Mr. Kleinman.

THE COURT: Do you want to start or would you rather have the luncheon recess?

MR. KLEINMAN: I think this might be a good time to recess for lunch, your Honor.

THE COURT: Very well, we will recess until two p.m., ladies and gentlemen.

(Recess until 2:00 p.m.)

AFTERNOON SESSION.

(Jury in box.)

THE COURT: Will you come up, Mr. Saypol and Mr. Kleinman.

(Discussion at the bench between Court and counsel out of the hearing of the jury, off the record.)

(The following in the hearing of the jury:)

THE COURT: Proceed, Mr. Kleinman.

H A R R Y G O L D , resumed the stand.

CROSS EXAMINATION BY MR. KLEINMAN:

Q In all your activities as a Soviet espionage agent you intended to help the Soviet Russian Government, did you not? Just yes or no, please.

THE COURT: If you cannot answer a question just yes or no, you may answer it first yes or no and then begin to qualify it in any way you please.

A Yes, but it was the people of the Soviet Union that I wished to aid.

Q You made a distinction, did you, between the people of the Soviet Union and the Soviet Russian Government?

A Yes, I did.

Q But your activities were all with some persons whom you called your Soviet superiors, is that right?

A That is correct.

Q And these Soviet superiors, I take it, to your

knowledge, were members of the Soviet Russian Government?

A They were Soviet citizens.

Q Was that your feeling, that these Soviet superiors or the persons whom you called your Soviet superiors were merely Russian citizens and not officials or representatives of the Russian Soviet Government? A These men whom I knew here had two functions --

MR. KLEINMAN: Your Honor, I must interrupt the answer and ask your Honor to instruct the witness to be responsive to my question.

THE COURT: Some of the questions, Mr. Kleinman, you will agree are just impossible to answer by a short yes or no. Those that I think are possible of being so answered I will instruct the witness to answer yes or no, but some of these questions, particularly these questions of feelings, desire to help, or political beliefs, are almost impossible to answer yes or no.

MR. KLEINMAN: I am merely inquiring now, your Honor, as to whether the Soviet superiors, whom he named here, were to his knowledge just the citizens that he talked about, or representatives or officials of the Soviet Russian Government. I think that if he cannot answer it yes or no, and if he wants to explain, he can say that, but otherwise it should be answered definitely and categorically.

THE COURT: You answer it as best you can.

A (Continuing) They were representatives of the Soviet Government here for two purposes: for the most part they were members of Amtorg and went about this country on legitimate work. They had a secondary function, or a second function, rather, which was to obtain information by illegal means, through me functioning as a courier.

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Q Let us speak about the Amtorg. Will you tell us, please, what was Amtorg in 1938, 1939, 1940, the years you spoke of in your testimony; what was it?

A I am not a legal expert. All I know of Amtorg is that it was the official Russian trading agency in this country.

Q Where did it have its office? A I did not know where its offices were until 1946.

Q Where did it have its office at that time?

A Somewhere on Madison Avenue.

Q Did you ever visit those offices? A I visited those offices in 1946.

Q When were you first aware of the existence of Amtorg Trading Company or Corporation?

A In 1935, in November of 1935.

Q Who acquainted you with the existence of Amtorg? Who told you about it? A I was acquainted with the existence of Amtorg by two people. The first was a

chemist whom I have mentioned and together with whom I started espionage work. The second was my first Soviet superior, Paul Smith, who said that --

Q No. A All right, sir. Excuse me.

MR. SAYPOL: I would like to have the answer fully, if we may.

MR. KLEINMAN: No, we can't bring in hearsay that way.

MR. SAYPOL: If counsel invites it, he should have it.

MR. KLEINMAN: I didn't invite it.

THE COURT: The answer stands as it is.

Q This chemist with whom you worked in 1935, you told us was the one who interested you in Amtorg; is that right? A He interested me in getting information for the Soviet Union.

Q Did I say the year correctly? Was it 1935?

A It was 1935 when we started. We started in the spring and in November of that year I met the man from Amtorg.

Q Was that the time when you were employed in this chemical company in New Jersey? A No, sir. that was subsequent to that time.

Q Where were you employed in 1935? A In the Pennsylvania Sugar Company in Philadelphia.

Q When did you leave the employment of the Pennsylvania Sugar Company? A In February of 1946.

Q Was there a period of time when you left the employment of the Pennsylvania Sugar Company and then returned to it later? A Yes, I left during the years from - I obtained a leave of absence in 1938 to go to Xavier University in Cincinnati, and I returned to Pennsylvania Sugar in 1940.

Q Did you leave Pennsylvania Sugar for some period of time before 1938? A Before 1938?

Q Yes. A I am not sure about that question, just what you mean. After 1935?

Q You were discharged at one time, were you not, for some activities, some union activities, while you were with Pennsylvania Sugar Company? A I was not.

Q What is funny about that?

THE COURT: Let us not get into that, Mr. Kleinman.

Q Were you concerned actively with a strike in the Pennsylvania Sugar Company? A I was not actively concerned.

Q Can we fix the time? When was that? A Surely, it was March of 1937. I refused to work in the plant while the men were on strike. It was against my principles. The man who was research director wanted to fire me, but once the strike was over I came into the plant and he said, "Oh, all right, go on night shift and don't bother me."

Q Who is the man who was research director?

A Dr. Gustav Reich.

Q Dr. Reich was your friend, was he not? A Dr. Reich was my very good friend.

Q He helped you get the job in Pennsylvania Sugar Company, did he not? A After I was laid off in 1932 in a general layoff at the distillery, and I had been working at Holbrook in 1933 up until the event of the NRA, when the NRA came in in September of 1933, Dr. Reich got my old job back for me in his laboratory.

Q Dr. Reich was the one who suggested you continue your studies, is that right? A Yes, he suggested in 1930 --

MR. KLEINMAN: Your Honor, do we have to have an explanation to a simple question like that?

THE COURT: I don't see that any harm is done. He wants to tell you what he suggested.

Q Were you a member of some CIO union during the time of the strike? A It is a little hard to place the exact time, Mr. Kleinman.

Q I am asking merely if you were a member of the union at that time? A You asked me for a definite time and I am trying to think whether I was a member at that time.

Q Were you a member of a CIO union while you were employed at the Pennsylvania Sugar Company?

THE COURT: At any time while employed.

A The answer is yes, for a brief while.

Q When did you become a member of such a union?

A It is very hard to tell. Oh, say 1936 or 1937.

Q How long did you remain a member of that union?

A I paid dues for a couple of months. That is all that I remember, and I never was active in the union.

Q To get back again to your introduction to the Soviet superiors whom you mentioned, you embarked upon espionage work shortly after you became interested in the Soviet people through this chemist in New Jersey; is that correct? A That is correct.

Q Can you fix the time when you became interested in doing espionage work? A The matter was first mentioned to me in the spring of 1935.

Q In the spring of 1935 there were no wars in Europe, were there? A No, there were not that I can recall.

Q And Soviet Russia, the Government, was sending out for people to come to Russia, scientists, engineers, chemists, and builders, is that correct? A That is not correct as far as I know.

Q When did you first find out that American scientists, American engineers, American builders, American business men, went to Soviet Russia?

THE COURT: Or what do you know about that subject?

A I have a vague knowledge that at various times through the years American engineers have gone over to Soviet Russia to put into operation their plants or setups, say, dams, or railroads, similar to those in the United States.

Q Can you tell us when you first knew about this condition? When did you first become aware of it?

MR. SAYPOL: What condition is that? The question is not clear and I must object to it.

THE COURT: I will sustain it.

Q When did you first find out that American citizens were going to Russia, citizens of this country who were engineers or builders or scientists, to do as you have stated in your last answer?

A I am trying to think. Somewhere in the period from 1937 to 1940 is about as close as I can put it.

Q It was also during this period that you knew that Amtorg Agency was going out into the open markets and purchasing various things like steel and rubber, chemicals, industrial equipment, to ship to Russia. Isn't that so?

A That is correct.

THE COURT: That is the period from when to when?

THE WITNESS: From 1937 to 1940.

THE COURT: Wasn't there a period there when Russia was an ally of Germany?

THE WITNESS: There was.

THE COURT: When was that?

THE WITNESS: From about 1939 to 1941, I believe, until the 22nd of June, 1941.

Q Whenever it may be, we were not at war with Russia,

were we?

MR. SAYPOL: May I state the dates since they are matters of common information?

THE COURT: Yes.

MR. SAYPOL: The Soviet-Nazi Pact was in effect from August 24, 1939, until June 22, 1941.

MR. KLEINMAN: Your Honor perhaps stated Russia was an ally of Germany. I didn't quite get it.

THE COURT: That is the way I put the question.

MR. SAYPOL: There was some agreement, they were never allies.

THE COURT: I will accept your statement that they had a pact.

MR. KLEINMAN: They had a pact, yes.

MR. SAYPOL: They were doing business together.

MR. KLEINMAN: They were doing business together, that is right.

MR. SAYPOL: In all kinds of ways.

Q And Russia was also doing business through Amtorg, Mr. Gold, in this country, is that right?

A That is correct.

Q Now, you stated that it was your desire and the purpose of your work to assist the Russian people as distinguished from the Russian Government, is that right?

A That is correct.

Q And it was because of that desire to assist the Russian people that through this chemist from New Jersey you were introduced into Amtorg and the other Soviet representatives whom you met?

A That is right. There were two other reasons --

Q Were they personal reasons or political reasons, Mr. Gold? A They were personal reasons but they motivated me --

Q Was one reason about money?

A No. I can give you the reasons --

Q Let me ask you this, Mr. Gold: when you met Mr. Black -- by the way was that chemist's name Black?

A I have not mentioned it yet, but his name was Black.

Q You have mentioned it to other people, have you not? A I have mentioned it to other people.

Q All right. When you met Mr. Black and became interested in espionage work you were not then a member of the Communist Party? A No, I was not.

Q And did you understand the purposes for which you were being used? A I understood that I was being used to help obtain information for the people of the Soviet Union. Mr. Kleinman, --

Q But not the Soviet Government? A Mr. Kleinman, --

Q Just answer my question.

THE COURT: Let him finish, please; he is not through.

MR. KLEINMAN: He is asking me a question, your Honor.

THE COURT: He is not asking you a question. Are you through with your answer?

THE WITNESS: Your Honor, I stated a few minutes ago that there were two other reasons in addition to a desire to help the people of the Soviet Union.

THE COURT: All right, let us have it.

THE WITNESS: If I may give those, it may clarify things.

THE COURT: Let us have it.

THE WITNESS: The first was a debt of gratitude to Black because of the fact that he had gotten me a job in the worst years of the depression, the worst months of the depression, in February of 1933, just before the bank holiday. We were a family with a fierce sort of pride and we would have hated to go on relief--

MR. KLEINMAN: I move to strike it out, if your Honor please.

THE COURT: No, I will let it stand.

MR. KLEINMAN: Exception.

THE WITNESS: (Continuing) -- Black saved us from that. The second reason in addition to the one of a genuine

desire to help the people of the Soviet Union, the second reason was that I got Black off my neck about joining the Communist Party. I didn't want to. I didn't like them.

BY MR. KLEINMAN:

Q You did not like the Communist Party?

A No; I thought they were a lot of wacked-up Bohemians.

Q I beg your pardon, what did you say?

A I thought they were a lot of wacked-up Bohemians.

MR. KLEINMAN: Might we have a concurrence, your Honor?

Q Did you consider at that time, Mr. Gold, that you were helping the interests of the United States Government while you were doing espionage work for the people of Soviet Russia? A I only considered that I was helping the people of the Soviet Union.

Q Well, how about your feeling with respect to your own country, Mr. Gold, the United States -- did you consider whether or not you were helping or hurting the United States? A I could not see that I was in any way harming the United States.

Q And that was while you were doing this industrial espionage, is that right? A That is while I was doing the industrial espionage.

Q And that was while you were getting information concerning engineering processes affecting gasoline, high-octane gasoline, is that correct?

A That is correct.

Q And that is while you were getting blueprints and engineering data on processes concerning mixers, is that correct? A That is correct.

Q And what is while you were getting information and blueprints and data concerning esterifiers, is that correct, Mr. Gold? A That is correct.

Q Add while you were getting information concerning that process in connection with magnesium -- you mentioned something about magnesium, did you not?

THE COURT: Something about tracer bullets.

MR. KLEINMAN: Pardon me?

THE COURT: Something about tracer bullets.

Is your question over?

MR. KLEINMAN: My question is over. Your Honor has given him what I wanted.

A Well, just for the record, I stated yesterday that that material was never turned over to the Soviet Union because my Soviet superior told me they already had these processes.

Q That is what we are coming to, Mr. Gold. Let us take up the first blueprint that you got from Brothman,

as you testified to --

MR. KLEINMAN: May we have those exhibits?

THE COURT: Exhibit 11:

(Mr. Saypol hands exhibits to Mr. Kleinman.)

Q I show you now Government's Exhibit 11. Was it your testimony that that blueprint was the first one that you received from Mr. Brothman?

A I recall it as the first one I received from Abe.

Q When did you receive it? A It was on the occasion of our fourth meeting.

Q Where did you receive it? A Somewheres in the downtown area, around Dey and Church Streets.

Q Can you tell us in non-technical language what that blueprint represents? A Yes; it represents a piece of chemical equipment for carrying out a single chemical operation to make a solvent, an industrial solvent, a material that is sometimes used as an industrial solvent.

Q Well, won't you tell us what that industrial solvent could be used for? A As I said, it could be used for the preparation or formulation of lacquers and varnishes.

Q And paints? A Yes, and paints.

Q Lacquers and varnishes? A That is correct.

Q Did your Soviet superior tell you he was interested in transmitting to the Soviet people or to the Soviet

Government a process for making lacquers and varnishes?

A They were interested in any process which would have made an industrial chemical. The reason that this was rejected was that there was no descriptive material going along with it.

Q Well, now, Mr. Gold, whatever is on that blueprint was nothing new, there was no innovation there, is that right, from known processes?

A I am no design engineer and I can't tell whether there are any features here that are unique or not.

Q Weren't the processes of making these lacquers and varnishes and paints well known all over the world?

A You mean these solvents?

Q These solvents, yes. A Well, the processes for the separation of these various esters have been known for a long time, that is true, but people keep bringing in refinements whereby they get better yields and so on, which accomplish the same thing in less time and get lesser byproducts. They are small advances but they count in the long run.

Q And whatever possible advantage there could have been to the Soviet people was in having some perhaps newer process of making lacquers or varnishes?

A It is possible, just possible, that this piece of equipment would have enabled them to conduct certain

esterification operations a little more efficiently with a slightly better yield and so on.

Q All that was necessary at that time, Mr. Gold, was for anybody to go over to an engineering place like Hendrick and ask for or request just what you have there on that blueprint and he could have gotten it for a fee, is that right? A That is correct, but I asked that question in November of 1935, and I got an answer --

Q You mean there was no money from the Soviet people? A No, sir.

Q No? A The answer was this: the answer was that they could go out and they could purchase processes in the United States, Paul told me, but he said they were afraid to. They were going to purchase them anyhow, but they wanted to be sure. They wanted processes exactly as they were in operation in the United States. And they said that they had an experience to the effect that people would give them information, would sell them a process, American firms would sell them a process, and then they would take it over there and put it in operation and they would find that somewhere down the line, someone from the top man or someone down the chain of command had sabotaged the thing.

Q You mean by that, Mr. Gold, our American engineers were attempting to sabotage the Soviet people?

A I am repeating what I was told.

Q Did you believe that?

MR. SAYPOL: That is immaterial.

A I haven't finished what I was told.

MR. SAYPOL: Please, Mr. Gold, do not answer when I object.

THE COURT: He has not finished his answer yet. There is more to it.

MR. SAYPOL: We have a little jumble here. He was asked whether he believed it or not and I say that is immaterial.

THE COURT: We will hold that in abeyance. Are you through with your answer?

THE WITNESS: No, I am not.

THE COURT: Continue.

THE WITNESS: I was told that they were faced with two problems. In the first place, there were firms which point blank refused to deal with Soviet representatives, so that the only way they had of getting the information was illegal.

BY MR. KLEINMAN:

Q Was how? A Illegally.

Q You mean -- A That was my job.

Q I see. A I was also told that even in cases where they dealt with firms who apparently were cooperating

fully and were furnishing them with full data as was specified in the contract, they still did not trust them because they had had sad experience in the past. So they wanted to independently -- independently get sources, get the same information and they wanted -- this is the point that was pounded into my head -- they wanted processes in actual operation in plants -- in successful operation in the United States producing 20 tons per day, 20 tons per day, day after day, month after month, and year after year, and only so could they be sure.

They even went further, and I got my knuckles smartly wrapped on many occasions -- they said they must preferred to have a process in successful operation in the United States but which operated, let us say, at 80 per cent efficiency to one which would operate with 95 per cent efficiency, but which was only in the theoretical or in the experimental stage. In other words, they did not want to gamble, and they had an absolute veneration for American technological skill; they just worshipped it.

Q All right. The next question is, did you believe that our American industrialists and engineers were sabotaging the Soviet people by giving them these spurious plans and blueprints? A I knew that there were many people in the United States who disliked the Soviet Union.

Q You did not answer my question, Mr. Gold. Did

you believe that story when it was given to you?

A Yes, I believed the story.

Q Did you know of any instances where that happened?

A No, sir, not of my own actual knowledge.

Q That blueprint which is before you, Government's Exhibit No. 11, was that a blueprint of any plant or any process in operation?

A It says, 150-gallon esterifier, at the Barrett Company, Frankfort, Philadelphia, Pa.

Q What does that mean to you, Mr. Gold?

A The Barrett Company is a large industrial chemical firm.

Q That does not mean, does it, that the Barrett Company had that process; doesn't that mean that that was a blueprint that was made up in order to submit to the Barrett Company as well as other companies?

A I don't know whether it was a blueprint to be submitted to them or a blueprint of equipment they had already purchased or what.

Q Well, look at the date and the nameplate. What date is it? A It says 10/13/41. Now, whether --

Q Now wait, please. You have given us the date.

A Yes, surely.

Q When do you say you got that blueprint?

A The fourth meeting that we had.

Q What month? A Well, I would have to count up now. The first meeting was the 29th of September, 1941. The three meetings that followed followed at periods from ten days to two weeks. Let us say two weeks. That would make it six weeks after that. That would make it sometime -- it is kind of hard -- I would say it was sometime in late October.

Q The tenth month of the year, is that right?

A The tenth month approximately -- even sometime early in November.

Q Are there some initials on that legend or nameplate on the bottom? A Yes, there are.

Q Whose initials? A Drawn by APW.

Q Anything else? A Checked by AB.

Q What does AB stand for, do you know?

A Abe Brothman. It is his handwriting.

Q Now, you knew, didn't you, that Mr. Brothman was employed by a company or corporation which had in it the name "Republic" -- do you remember that?

A The first that I heard of Republic -- let me see -- it was mentioned when we went to Peekskill. As I stated this morning, there was some mention of Republic then. And sometime in 1942 there was some mention of Republic Chemical.

Q You knew that Mr. Brothman was making up designs of processes in connection with proposals received by Hendrick

Company and that the blueprints and the processes were his, Brothman's? A No, sir, Mr. Brothman told me that this was equipment that was being designed for use by the particular firm whose name was on the blueprint.

Q And that Mr. Brothman designed it, is that right?

A I was told that it was designed in the Hendrick office.

Q Did you not know that Mr. Brothman designed it?

A Did I not know that Mr. Brothman designed it?

Q Yes. A I see his name on this one. It says "Checked by and approved by."

Q Well, you knew of Mr. Brothman's connection with Hendrick, did you not? A I knew he was a design engineer.

Q Yes, and he was in charge, wasn't he? A He told me he was in charge.

Q Well, did you ever have any information to the contrary? A I don't know.

Q You don't know one way or the other, do you?

A I don't know one way or the other.

Q Later on you became quite friendly with Mr. Brothman, didn't you? A Later on I became very friendly with him.

Q Did you ever find out to the contrary that Mr. Brothman was not in charge at that time of making that blueprint? A I always understood he was in charge.

Whether he was or not, I don't know.

Q Now, with respect to that blueprint, were you able to read it and understand it when you received it?

A No; I am not a design engineer.

Q Did you know what it represented? A I knew what it represented.

Q And did you know it only from the explanation that Mr. Brothman gave you? A Mr. Brothman gave me no explanation. That is why it was returned to me.

Q Now, at that time when you received that blueprint from Mr. Brothman did you consider that you were then engaged in espionage for the Soviet Russian Government?

A Industrial espionage, yes.

Q Did you consider that you were engaged in espionage work for the Soviet Russian Government?

A I considered that I was engaged in espionage work for the people of the Soviet Union.

MR. KLEINMAN: Your Honor, may I have an answer to my question?

THE COURT: I believe he has answered it.

Q Do you make a distinction between the people of the Soviet Union and the Russian Government in your last answer to me? A I do.

Q Is that what you mean when you said you were engaged in industrial espionage work? A Industrial espionage work because this is a piece of industrial equipment.

THE COURT: Are you trying to draw a distinction between industrial espionage and military espionage?

THE WITNESS: Yes, I am.

THE COURT: Is that the distinction you are attempting to make?

THE WITNESS: That is what is in my mind, your Honor.

Q But the information you got, the blueprint that you got, you turned over to your Soviet superior; is that right? A That is correct.

Q Your Soviet superior at that time was a man known to you by the name of what? A Sam.

Q Did you know his last name? A No, I did not.

Q Did he tell you that he represented the Soviet people, the Soviet Russian Government? A He told me he was an official of Amtorg.

Q Did you take it from that that he was here for an innocent and legal purpose in this country?

A As I have said before, he was here for two purposes, and he took pains to explain both of these to me.

Q The one purpose was to make legal purchases for Amtorg, is that right? A That is correct.

Q The second purpose was to get industrial information? A That is correct.

Q That was what you designated before as the illegal purpose? A That was illegal.

Q However, the information was available to anyone who could read the engineering books, is that right?

A That is exactly what they didn't want. They could purchase all the books they wanted at Barnes & Noble. They were interested in processes in proven operation in the United States. They wanted them exactly as they were in a plant and exactly as they were working in a plant.

Q Did you ever visit the plant designated on the nameplate, the Barrett Company? A I have passed it in Philadelphia many times.

Q Did you ever go into it? A No, I have never

been in it.

Q You did not attempt to go into it at the time you received that blueprint to determine whether or not that process was in operation at that plant?

A No, that was Erothman's job, to furnish me with the data.

Q Did you try to find out? A No, I didn't want to. I was busy enough as it was.

Q Did you tell Brothman that you were only interested in getting industrial information to pass on to the Soviet people? Did you tell him that? A I told Abe that in addition to the industrial information, that anything he could ever obtain - and this was at that meeting in Childs Restaurant on Columbus Circle - anything of military value was wanted.

Q You had an agenda at that time, didn't you?

A Yes, I did.

Q First off, you said to him. "Here are a list of processes that the Soviet Union wants to know about."

Didn't you say that? A Mr. Kleinman --

Q Won't you please answer my question?

MR. KLEINMAN: Your Honor, must I submit to all these circumlocutions?

THE COURT: You can answer that question, can't you?

A The people of the Soviet Union needed these processes.

MR. KLEINMAN: I move to strike that out.

THE COURT: Repeat the question.

(Question read.)

THE COURT: Did you hear the question?

THE WITNESS: Yes, I did.

THE COURT: Will you answer it, please.

THE WITNESS: Yes.

Q You said that, did you not? A Yes.

Q You said, "Here are the items that my Soviet superior wants me to get from you"? A That is correct.

Q But you did not mention the Soviet people to Brothman, did you? A Well, I couldn't preface every single statement with a speech, Mr. Kleinman.

Q But you did preface every single statement by saying, My Soviet superior says thus and so, and my Soviet superior wants thus and so. You did do that, didn't you?

A He was a Soviet citizen and he was my superior.

Q I am asking you if you did not preface your remarks to Mr. Brothman by stating, My Soviet superior wants thus and so, or My Soviet superior has instructed me to get thus and so.

THE COURT: You mean on each and every occasion?

MR. KLEINMAN: On practically each and every occasion.

MR. SAYPOL: I object.

THE COURT: I will permit him to answer the question. Counsel for the defendant is asking you whether on some occasions you prefaced - would you rather have it worded that way?

MR. KLEINMAN: I will accept that.

THE COURT: -- your statements to Mr. Brothman by saying your Soviet superior would like thus and so?

THE WITNESS: Yes, I did, your Honor.

Q The first item on your agenda was the information concerning the manufacture of Aviation gasoline, is that right? A That is correct.

Q It is also known as high octane gasoline?

A Yes.

Q How long have people who have been making gasoline been producing high octane gasoline? How many years would you say? A That doesn't - you can't give a simple answer to that.

Q If you can answer my question, won't you answer it?

THE COURT: He says he can't give you a simple answer.

Q How long have we known about high octane gasoline?

A The octane rating of gasoline as purchased by the public has been rising steadily upward for the last twenty

years, and it is now possible to purchase a much higher octane rating than was generally available. I am no authority --

Q How long ago, Mr. Gold, were these processes evolved from which we get this high octane gasoline?

A I am no authority in this field. I will give you answers of which I have general knowledge.

Q How long would you say that high octane gasoline has been produced? A As we know it now, for about the last twenty years. Let us see, the Houdry process came into successful operation sometime in the middle '30s. That was one successful process.

Q That was a commercial process? A That was a commercial process.

Q What was another process? A I don't know. I said I am not an expert in the field.

Q Yes, but you could buy high octane gasoline at a roadside stand, couldn't you? A Yes, without knowing the process.

Q But the processes were known to the various commercial producers throughout the world; isn't that true, Mr. Gold? A There was general explanations of the processes and the patent literature was full of details.

Q Yes, that is, one could go to the library and find out about it? A One could, but one could not build a

refinery from what you find in the library.

Q One could find the textbooks, one could find detailed information in scientific periodicals. Isn't that true, Mr. Gold? A That is exactly what the Soviet Union didn't want.

MR. KLEINMAN: I move to strike that out as not responsive.

THE COURT: I will let it stand. You have asked this question in several different ways and he has been answering it right along.

Q Is this all part of your instruction from your Soviet superior as to what the Soviet Union did not want?

A He said the processes which were desired --

MR. KLEINMAN: That is not responsive either.

THE COURT: Will you read the question, please.

(Question read.)

THE COURT: What are you referring to, Mr. Kleinman? It isn't clear to me.

MR. KLEINMAN: I am referring to the fact that he said that is precisely what the Soviet Union did not want.

THE COURT: Then your next question is --

MR. KLEINMAN: Is this what he was told by his Soviet superior.

THE COURT: He said originally he had been told

that.

MR. SAYPOL: It still has to be related back to what went before that the Soviet Union not wanting what could be obtained in libraries about the construction of refineries.

THE COURT: That is what I am referring to.

Was the answer finished?

(Answer read.)

THE COURT: Will you finish your answer?

THE WITNESS: The processes which were desired were actual ones in fairly day-in-and-day-out successful operation in the United States.

Q Who was manufacturing high octane gasoline, if you know, at the time you spoke to Mr. Brothman?

A All of the major refineries, Sun Oil, Atlantic Refining, Gulf, Sinclair, all of them. It is a competitive business I understand.

Q How about refineries in foreign countries? Were they also producing high octane gasoline?

A I don't know about that. The petroleum field is not one I am familiar with. All I know is, there is a high octane gas. There are processes for making them in the United States.

Q Are you familiar with the processes for making high octane gasoline? A No, I am not. It is not my field.

Q What did you get from Mr. Brothman in connection with the production of aviation gasoline, what blueprints, what it was, if anything? A I don't believe I was ever given anything by Mr. Brothman in connection with the production of aviation gasoline. I can't remember it if I was.

Q You also told Mr. Brothman, did you not, that your Soviet superior wanted information concerning the manufacture of natural rubber and synthetic rubber. Is that correct? A That is the fabrication of articles from natural rubber and processes for the manufacture of synthetic rubber.

Q Did you ever do any reading on the subject of the manufacture of synthetic rubber? A That again is not my field.

Q I am asking you if you did any reading on it.

A No.

Q It is not very far from your field, is it?

A It is quite far.

Q Does it deal with chemistry? A It deals with chemistry but you have to specialize nowadays and specialize inside of a specialty.

Q What kind of chemist are you? A A biochemist and an analytical chemist.

Q What does that mean? A I deal with biological

things, living processes, the human body, animal organisms.

Q But you did read, perhaps in school, something about the production of synthetic rubber or the manufacture of synthetic rubber, didn't you? A All I know about it is that it is a high molecular weight material with a good deal of unsaturated linkages in it.

Q Did you know that there were known processes for the manufacture of synthetic rubber long before you spoke to Mr. Brothman about it? A No, I did not.

Q You had no knowledge on that at all? A I had no knowledge on it. I knew the Germans were working on it or had been working on it, but I didn't know whether they were successful or not. Very often stuff gets into the literature but it is somebody's pipe dream.

Q Do you remember anything in the scientific literature about the production of synthetic rubber? A No, sir, I had all I could do to cover my own field and keep up with it.

Q You knew, didn't you, that in 1941 synthetic rubber tires were on sale in this country? Didn't you know that?

A No, I did not.

MR. KLEINMAN: Your Honor, I will have to examine these exhibits to determine the ones I want. I would like to have them made available to me here.

MR. SAYPOL: Certainly (handing documents to

Mr. Kleinman.

THE COURT: You are talking about the blueprint exhibits, are you?

MR. KLEINMAN: Yes, and there are some text matters that are also in connection with them.

THE COURT: That would be exhibits 11, 12, 13, 14 - do you want the notes made during the meeting?

MR. KLEINMAN: Yes.

THE COURT: That is 14, 15, 16, 17 and 19. I would say 11 through 17, and 19.

Suppose we take a recess at this point and you can examine them during the recess.

(Short recess.)

Q Still in connection with the aviation gasoline which was the first item in your agenda, you spoke about a hydrogenation catalyst, do you remember?

A Yes, a nickel catalyst.

Q You said you received certain blueprints in connection with a process? A Yes.

Q Can you tell me which of the methods and products indicated - and I show you the blueprint, Government's Exhibit 16 - has the distinction of producing and being an all-purpose hydrogenation catalyst (handing)?

A The last four blueprints all refer to the dry reducer.

Q Is that known also as the dry reduction method?

A I don't know. I don't know the details of the production of a nickel catalyst. All I know is that Abe told me it was an all-purpose catalyst.

Q Is the method, as I asked you, known as the dry reduction method or the dry process?

A Well, I understand this much: that if there is a dry process it is probably contrasted with a wet process.

Q Is the product -- A Just let me look at the flow sheet.

Q Yes. A (Examining blueprint). Looking at this blueprint -- I have a rudimentary chemical engineering knowledge -- I can see that up to a point nickel carbonate is prepared, but whether in the dry reducer, which is at the right side, whether it is nickel oxide or nickel carbonate that is reduced, I don't know, and what the distinction is between the dry reducing system and the wet reducing system, if there is one such, I don't know.

Q Is not the product of the method indicated on that blueprint, Exhibit 16, dry reduced nickel?

A That is what Abe told me.

Q Can you determine that from looking at that?

A It says dry reducer assembly.

Q Are you familiar with the hydrogenation catalyst called Raney nickel? A I have heard of Raney nickel.

Q Isn't Raney nickel an all-purpose hydrogenation catalyst, such as you described yesterday in your testimony and similar to the dry reduced product manufactured by the process indicated on Government's Exhibit 16?

A Raney nickel is used as an all-purpose catalyst.

Q And hadn't that process or Raney nickel been known for a long time, Mr. Gold? A Yes, but we come again to the same thing. We come to the same thing again. The Russians could buy all the books they wanted. They wanted a process producing nickel catalyst. If it was a process producing nickel catalyst they would have wanted actual one which was in operation in the United States. They didn't want this one. I know that because I forgot to tell Sam that it was an all-purpose catalyst. I just forgot.

Q I show you now pages 1524 to 1526 of Roger's Industrial Chemistry and I ask you to look at it and to see whether it describes rather fully a process for the production of dry reduced nickel hydrogenation catalyst, such as you have discussed here on the witness stand?

MR. KLEINMAN: May I have this marked for identification.

THE COURT: How many pages?

MR. KLEINMAN: Two pages, but there are two paragraphs that I will point out to him.

(Marked Defendants' Exhibit D for identification.)

XXXX

Q I ask you to look at pages 1524 to 1526, but I call your particular attention to the paragraphs which I have checked here.

MR. SAYPOL: May I make a suggestion, your Honor?

THE COURT: Is it your suggestion that you would agree that there is something in the book on that?

MR. SAYPOL: There probably is. I can look at it and I will concede what Mr. Kleinman says it is and then we can go on.

THE COURT: Very well, we will save a lot of time by that.

Mr. Kleinman, you have a concession.

MR. KLEINMAN: In that event may I have the pages indicated marked in evidence, your Honor?

THE COURT: Very well.

(Defendants' Exhibit D for identification received in evidence.)

THE WITNESS: Your Honor, may I say something?

THE COURT: Yes.

THE WITNESS: Some of these things are unrelated.

It says, "Hydrogen: One of the problems in the hydrogenation field is that of a cheap supply of pure hydrogen," and it details two methods. On this blueprint here it just says "Hydorgen in," and I haven't looked through the others.

BY MR. KLEINMAN:

Q How about the dry process that is described there?

A I will see if it says anything --

Q No, in the book.

THE COURT: Will you point that out.

MR. KLEINMAN: Yes, I think I have already pointed it out.

A It says dry reduction and so on.

THE COURT: What about that portion that was indicated to you by Mr. Kleinman?

THE WITNESS: That in general resembles what is on the blueprint here.

THE COURT: You are just going to offer that portion?

MR. KLEINMAN: Well, I think that is the only portion. I must confess my own ignorance about these chemical matters, your Honor.

THE COURT: You have got a lot of company.

Q I understand, Mr. Gold, that you did say that the drawing in front of you, which is Government's Exhibit 16, corresponds to what you have read in this book, which is now Defendants' Exhibit D in evidence?

A That is correct.

Q And the process was a well known process and known over a long time, isn't that right? A Hydrogenation has

been carried on, I think I may have even mentioned yesterday, for about 50 years with real good success.

Q And you will agree, will you not, Mr. Gold, that what you have read in Defendants' Exhibit D in evidence, Rogers Manual of Industrial Chemistry, is but a bird's-eye view of industrial chemistry and that the process described in Rogers is based on some more detailed description in specialized literature of that field?

A Well, I don't know anything about the specialized literature in the field of hydrogenation. I am an analytical chemist and a biochemist.

Q It is true, however, is it not, Mr. Gold, that there is nothing secret or startlingly new in the process for dry reduced nickel catalyst as appears on Government's Exhibit 16?

A I can't tell. I don't know that much about commercial hydrogenation. I was told by Abe that this was a unique process.

Q You have just seen the process in the book, haven't you? A Yes.

MR. KLEINMAN: Would your Honor excuse me a moment.

Q Would you look again at Government's Exhibit 16, please, with respect to the process of the production of wet reduced nickel catalyst, and compare the process

indicated thereon with the process for wet reduced nickel catalyst described on pages 1526 to 1527 of this same work, which is now Defendants' Exhibit D in evidence, and then tell me whether the process described in Government's Exhibit 16 is substantially described in Defendants' Exhibit D, this book.

A The only blueprint that actually refers to vehicle protected nickel catalyst is the first one; the other four here are all about the dry reduced.

Q So far as that one goes, have you had an opportunity now to compare it with the textbook which I have given you?

A I am trying to figure out here exactly where the catalyst protected in vehicle is prepared. I see one note here.

MR. SAYPOL: Would it not seem by this time, if the Court please, that we are getting involved in a lot of meaningless extractions which have nothing whatever to do with the main issues, whether Rogers and the blueprints agree?

THE COURT: That is a matter of opinion. You believe that it is a silly abstraction and Mr. Kleinman thinks it is important. I believe that the point he wants to establish is that some of the matter which is contained in the blueprint could have been gotten from a textbook. Is that the point?

MR. KLEINMAN: That is not the only point, but that all the matters were matters of commonly known processes, your Honor, well known and easily available.

THE COURT: I do not frankly see any purpose in going into it extensively. I am going to permit you to do it in some degree, because the witness has said that the Soviets wanted blueprints of plants actually in operation. They did not want to take it from textbooks. They did not want anything theoretical but they wanted something actual.

MR. KLEINMAN: There is no testimony that these were in actual operation. As a matter of fact, I shall prove the contrary.

MR. SAYPOL: What difference does it make? The testimony here is that this witness says, "Abe gave me this; Abe told me this was novel; Abe gave me this to give to my superior." Whether he gave it to him or not is a matter of record. Whether it compares to what is in the book or whether it is even in the telephone book is really immaterial. He is just trying to get him to qualify as an expert on subjects which the witness has stated that he does not have any expert knowledge.

MR. KLEINMAN: I was willing to accept his expert knowledge when he made explanations of all these things and I think I might be --

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THE COURT: I am going to permit it to a limited extent.

MR. KLEINMAN: But I think I should be permitted to answer what Mr. Saypol just said.

MR. SAYPOL: I shall subside.

MR. KLEINMAN: It is not our purpose as he stated it. Our purpose is to show that there was nothing unusual about this practice of making a blueprint and giving a blueprint to anybody who asked for it at that time. There was nothing secret.

THE COURT: Ultimately the jury is going to determine whether or not there was anything unusual; ultimately the jury is going to draw its own conclusions, entirely independent of what Mr. Saypol says or what you say, but they are going to draw it from the evidence.

MR. SAYPOL: I hope they will at least give some consideration to my summation.

THE COURT: I will give them ^{an} instruction on that too.

MR. SAYPOL: And to your Honor's charge.

MR. KLEINMAN: We are waiting for an answer, Judge. I do not believe that we have gotten one.

Q Are you prepared to answer now? A I am not

an expert and I made no effort yesterday to characterize

am an analytical chemist and I am a biochemist and I have a generalized knowledge of the chemical field. In a general way this does resemble what is in Rogers, the process on the blueprint. I see no mention of a nickel formate, which is mentioned here in the wet production process. I haven't been able to find it. Maybe it is here, but in a general way it resembles what is on the blueprint.

Q Let me put it to you this way, Mr. Gold: with respect to Government's Exhibit 16, that is the blueprint or prints which you have before you, would it be fair to say that those blueprints contain no secret or unusually unavailable information?

MR. SAYPOL: If he knows.

MR. KLEINMAN: Of course. We are only asking him as to what he knows all the way through the direct examination and cross-examination.

Q Is not my statement a fair one to you, Mr. Gold? Can you answer it? A Yes, the process resembles that which is in Rogers.

Q There is nothing secret contained in those blueprints, is that right? A You have to start to define "secret."

Q There is nothing unusual in those blueprints, you have just seen it in the textbook, have you not?

A Yes, there is nothing unusual.

Q All right. Yesterday you spoke about hydrogenation

as an operation in the production of strategic materials. Other than in the hydrogenation of gasoline, what other examples can you give us of strategic materials which are produced by hydrogenation operations?

A Well, you can produce alcohol formaldehydes. You can produce -- you can hydrogenate various materials with unsaturated linkages.

Q I have questioned you only about strategic materials which you mentioned yesterday. What are they?

A Well, I don't know what you would call a strategic material.

Q You were the one who called it a strategic material. What did you refer to? A All -- the entire organic chemical field could be classified as strategic organic material, the entire field.

Q You mean everything in organic chemistry may be classified as strategic? A Yes, eventually.

Q Everything? A Well, practically all of the industrial chemicals, and hydrogenation is an industrial chemical process.

Q Yes, and isn't it true that hydrogenation operations are one of the most common operations in chemistry?

A They are common, but that still would not make them lesser in their strategic value. In fact, the very fact that they are commonly used makes them valuable.

Q Tell us what you mean by a strategic value or strategic material, mention something.

A Strategic material?

Q In connection with this hydrogenation process.

A Well, the production of alcohol formaldehydes, I guess, could be called strategic.

Q You said that before. A Yes, I said that before.

Q What else? A The hydrogenation of various unsaturated compounds.

Q Are you through with your answer?

A I am through with my answer, because I am not an expert in the field.

Q Could you tell us very briefly exactly what you are an expert in, Mr. Gold?

A I am an analytical chemist.

Q Yes, but -- A And a biochemist.

Q Can you tell us, so that we can understand it, what an analytical chemist is?

A As an analytical chemist I know certain specialized techniques for analyzing certain material.

Q Yes. A I am a biochemist because I know the relationship of chemistry to living organisms.

Q You took some extra studies at Columbia after you received your degree, didn't you? A I never studied at Columbia.

Q What materials are covered by organic chemistry?

A What materials are covered by organic chemistry?

Organic chemistry is sometimes called the chemistry of carbon compounds.

Q Is that your simplest explanation?

A That is a very good definition and it will stand up.

Q So that we can understand it, what does that mean?

A It is the chemistry of compounds in which carbon is involved. The usual constituents are carbon, hydrogen and oxygen and in others you have nitrogen and sulfur and sometimes heavy metal.

Q And by strategic materials you told us what you mean now, is that right, Mr. Gold?

A That is right.

Q And by strategic you mean something which might be used militarily as well as commercially?

A Something which might be used in an industrial -- to an industrial use and would not be readily replaced by substitutes.

Q For example, every country is short of certain strategic materials, is that right?

A Well, I am not an economist.

Q Pardon? A I am not an economist.

Q You don't know about that field, either? A I don't

know about that field.

Q Well, what strategic materials were you passing on to the Russian people for whom you were working, or what information concerning strategic materials were you passing on to the Russian people for whom you were working?

A I could give a very detailed list of what I did, but I don't know if it is proper to do it here.

Q You mean to which you have pleaded guilty in Philadelphia? A Of everything that I did.

Q To which you have pleaded guilty in Philadelphia?

THE COURT: He says that and more, everything he has done.

Q Does that include that which you have pleaded guilty to in Philadelphia? A Yes.

Q When you passed on those strategic materials to the Soviet people, were you doing it to help only the Soviet people or to the Soviet Russian Government?

MR. SAYPOL: Hasn't that been asked before, if the Court please?

MR. KLEINMAN: No, sir.

MR. SAYPOL: I thought it was answered.

THE COURT: I thought it was answered.

MR. KLEINMAN: No, I haven't asked this question before.

THE COURT: I believe you are referring to strategic

materials.

MR. KLEINMAN: Yes, sir.

MR. SAYPOL: We are getting away, I submit, if the Court please, from the main issue and the only issue, what happened starting on May 29, 1947 --

MR. KLEINMAN: No; for a day and a half this man spoke of what happened a long time before that.

THE COURT: I do not want any argument. The objection is overruled. He may answer the question.

THE WITNESS: What is the question, please?

(Question read.)

A I was doing it to help the Soviet people.

Q Did you intend to harm or injure the United States when you passed on this information concerning strategic material? A I did not.

Q At no time? A At no time whatever.

Q So that when you were questioning Abe Brothman and getting blueprints from him and this material that you have identified here yesterday, you meant no harm to the United States, did you?

A That is correct.

Q And your only purpose was to help the Soviet people?

A That is correct.

Q Was it also your purpose to help the people of the United States? A My purpose was to help the people

of the Soviet Union.

Q Was it also your purpose to help the people of the United States? A To help the people of the United States?

Q Yes. A I don't see where this enters.

Q Suppose you answer my question.

A I just didn't consider that part of it at all. I can't answer it. I can't see whether it affected anything.

Q Did you intend to help the people of the United States when you gave atomic bomb information to the Soviet people? A I took information from people who --

Q Just answer my question, please: Did you intend to help the people of the United States when you gave atomic bomb information to the people of Soviet Russia?

A I acted as a courier.

Q Did you intend to help the people of the United States? A I acted as a courier. I took information from people who gave it to me on atomic energy and I gave it to my Soviet superior.

Q For the Russian people? A For the Russian people.

Q Now, when you did that, did you intend to help the people of the United States in doing so?

A I was giving the Russian people information which I thought as an ally they were entitled to; and, as a matter of fact, I considered that the atomic energy project might have been completed in less time were the collaboration

of Soviet scientists included in the project.

Q You pleaded guilty to spying, didn't you?

A Yes, because I did.

Q You pleaded guilty to espionage in giving information on nuclear fission and the atomic bomb to the Russian Government, didn't you? A I pleaded guilty.

Q Did you not plead guilty to that?

A I am going to tell you what I pleaded guilty to.

Q All right. A I pleaded guilty to acting as a courier in which I transferred information from people who had it, people who had information on atomic energy. They gave it to me, I carried it to my Soviet superior and gave it to him.

Q Is that what you pleaded guilty to?

A That is what I pleaded guilty to.

Q Did you not plead guilty to the following --

MR. SAYPOL: May we know what counsel is reading from?

MR. KLEINMAN: Yes, I will show it to you, Mr. Saypol.

MR. SAYPOL: Will you mark it?

MR. KLEINMAN: Yes. May I have this marked for identification.

MR. SAYPOL: I take it that that is a transcript of the proceedings before Judge McGranery?

MR. KLEINMAN: Yes.

(Marked Defendants' Exhibit E for identification.)

MR. SAYPOL: Perhaps in order to save time I will concede that he pleaded guilty to conspiracy to commit espionage.

MR. KLEINMAN: I am not concerned with saving time at this moment, your Honor, unless I am directed to do so.

MR. SAYPOL: The Court can take judicial knowledge of it.

THE COURT: You may proceed.

Q Do you recall an indictment being read to you when you were arraigned in Philadelphia in the federal court in Philadelphia, on July 20, 1950?

A Yes, I do.

Q Did you plead guilty to both counts of that indictment? A I pleaded guilty to both counts and that related to a combined charge.

Q You mean the indictment was changed?

A I don't know. I am not familiar with legal terminology. All I know is that the indictment was read to me. There was a charge of conspiracy to commit espionage, then there was a second charge in which eleven separate acts I suppose were read to me. The two were combined into one charge. I don't know if I am correct when I recite it that way. I am not a lawyer.

Q You pleaded guilty to the first count, then you pleaded guilty to the second count? A That is right.

Q And then you were asked whether you plead guilty to both counts, were you not? Is that what you mean that the two were combined? A No, the two were combined into a single charge, as I recall it, and I pleaded guilty to that single charge.

Q Do you remember the indictment that you pleaded guilty to being read to you? A I remember it being read to me, yes.

Q Is this what was read to you:

"Beginning on or about December 1943 and continuing thereafter for a considerable period, the exact period being to the Grand Jury unknown, but in no event subsequent to November 30, 1947, in the Eastern District of New York, within the jurisdiction

of this Court, in the Borough of Manhattan, New York City, in Santa Fe, New Mexico, in Boston and Cambridge, Massachusetts, and divers other places to the Grand Jury unknown, HARRY GOLD, JOHN DOE, alias "JOHN" and RICHARD ROE, alias "SAM," the defendants herein, the true and correct names of the latter two defendants being to the Grand Jury unknown, did, the United States then and there being at war, conspire, combine, confederate and agree together and with EMIL JULIUS KLAUS FUCHS and divers other persons to the Grand Jury unknown, to violate Subsection (a) of Section 32, Title 50, United States Code, in that they did conspire, combine, confederate and agree, with intent and reason to believe that it would be used to the advantage of a foreign nation to-wit, the Union of Soviet Socialist Republics, to communicate, deliver and transmit, and attempt to communicate, deliver and transmit, and aid and induce others to communicate, deliver and transmit to a foreign government, to-wit, the Union of Soviet Socialist Republics and representatives and agents thereof, directly and indirectly, documents, writings, sketches, notes and information relating to the national defense of the United States, to-wit documents, writings, sketches, notes and information relating to atomic energy and nuclear fission."

Was that portion read to you?

A That was read to me.

Q Were you asked by the clerk, "How say you to these charges in count 1 of that indictment?" And did you say, "Guilty." A I said Guilty.

Q Then count 2 was read to you, was it not?

A Yes.

Q After the reading of it, you pleaded guilty to count 2? A I pleaded guilty to count 2.

Q Was count 2 as follows:

"Pursuant to the said conspiracy and to effect the objects thereof, at the times and places hereinbelow indicated, the defendants and co-conspirators did commit, among others, the following overt acts:" --

THE COURT: That is part of count 1.

MR. KLEINMAN: The Clerk says Count 2 of the indictment.

MR. SAYPOL: I have not objected thus far, but that is not the best evidence in any event.

MR. KLEINMAN: May I say a word here? I am reading from the official stenographic record.

THE COURT: I know you are reading from the official stenographic record, but it seems to me there is an error there because I have never heard of a count beginning with overt acts.

MR. SAYPOL: Even though it says that the clerk said so, that does not make it so.

THE COURT: It seems that the normal conspiracy has following it the overt acts.

MR. KLEINMAN: I will try to get a copy of the indictment.

MR. SAYPOL: He pleaded guilty and it seems that ends it --

MR. KLEINMAN: No, it doesn't.

THE COURT: Don't you think I can rule on this without argument? I know the point very well.

MR. KLEINMAN: May I return to it when I have the indictment so that there will be no question about it?

THE COURT: Very well.

MR. SAYPOL: I will send up and get the indictment so there will be no difficulty.

BY MR. KLEINMAN:

Q When you transmitted the atomic bomb, nuclear fission information -- A Excuse me --

Q Did you intend any harm to the people of the United States? A I did not. Russia was an ally at that time.

Q And we were not at war in 1935 either, were we?

A We were not.

MR. SAYPOL: May I make an objection to any further questions of this type on the ground the question and answer is immaterial. The statute makes no reference to

the motive or the reason of a defendant. The fact is that a crime is charged and the defendant pleaded guilty. His motive has nothing to do with the crime charged here.

THE COURT: Objection overruled.

MR. FLEINMAN: May I have the question read?

(Question and answer read.)

Q By the way, Mr. Gold, you have not been sentenced yet on that plea of guilty to that indictment, have you?

A No, I have not.

MR. SAYPOL: He so testified.

MR. KLEINMAN: Whether he has or not, this is cross-examination, your Honor.

MR. SAYPOL: I know, but he testified and it assumes something which is in the record.

MR. KLEINMAN: I don't understand that.

THE COURT: Proceed.

MR. SAYPOL: Shall I explain?

THE COURT: No. You haven't been sentenced yet. have you?

THE WITNESS: No, it is set for the 7th of December, this year.

Q You pleaded guilty in July, did you not?

A Yes, I did.

Q When did you first talk to the FBI agents, if you did talk to them, about Brothman after your arrest?

THE COURT: Let us fix the date of the arrest.

MR. KLETZMAN: All right, I withdraw the question.

Q When were you arrested in connection with the charges you pleaded guilty to in Philadelphia?

A I went into voluntary custody on the 22nd of May, 1950.

Q You mean you surrendered yourself? A I went into voluntary custody. That is an answer.

Q Were you arrested? A I signed a paper given to me by the FBI which placed me in their voluntary custody on the 22nd of May.

Q Were you arrested by the FBI? A I have told you exactly what occurred.

Q When did the FBI see you in the month of May?

A They came to see me on the 15th of May.

Q You were not then arrested? A No, I was not.

Q You were being questioned at that time?

A That is correct.

Q You were being questioned from the 15th of May onward? A Onward until the 22nd.

Q On the 22nd you signed some paper? A Yes.

Q In which you placed yourself in the custody of the FBI? A That is correct.

Q Then you were arrested, is that right? A On the 23rd. A complaint was filed against me, and I was arrested.

Q The 23rd? A Yes.

Q You were brought to the Federal Court in Philadelphia? A Yes, before Judge McGranery.

Q Were you questioned by the FBI in Philadelphia when they first started to talk with you? Was that in Philadelphia? A That was in Philadelphia.

Q That is where you were living then? A Yes.

Q And that is where you had been working in that Philadelphia General Hospital, I believe? A That is correct.

Q You were questioned for the first time on what day?

A The 15th of May.

Q When did you first say anything to the FBI about Brothman after the 15th of May? A The questioning during part of the week of the 15th to the 22nd concerned me in part.

Q When did you first admit to the FBI that you were a spy? A On the 22nd of May.

Q That was some seven days after they started to question you? A That is correct.

Q Were you being questioned every day during those seven days? A No, I was questioned, let us see, Monday, Friday, Saturday, Sunday, Monday - five days.

Q Where were you being questioned actually?

A I would come to the FBI offices in the Widener

Building in the evenings after I had finished work.

I came there on a Sunday, as a matter of fact, and did talk to them.

Q You denied you were a spy at the beginning. Didn't you? A I fought desperately for time.

Q It was not until you were trapped by some questions that were put to you that you admitted being in Santa Fe, is that right? A I am not sure whether it is right to go into what happened. I know what happened all right.

Q In any event, when the jig was up, you then told them that you were the go-between in this nuclear fission spy ring. Is that right? You didn't tell them at the beginning, you told them that only after days and days of questioning. Is that true? A I fought desperately for time and, Mr. Kleinman, if you will give me a minute --

THE COURT: Continue on.

MR. KLEINMAN: I don't want him to ask me questions.

THE COURT: He is asking you for permission to continue on, and I am giving him permission.

THE WITNESS: I fought desperately for time for a week. I wanted to accomplish two things, and I did. First, I wanted a few days more with my family in which they would be in complete ignorance of what I had done.

Q Does that consist of your father and brother?

A That consisted of my father and brother. Secondly,

I wanted to complete as much of the work at the Board of Directors of the Philadelphia General Hospital as I could, and I fought for time. When they first came around, I knew that inevitably this net that I had gotten meshed in, and this house of cards that had been built up over fifteen years could not stand up. I knew it, but I fought for time.

After my arrest, or rather the first day of voluntary custody, my brother was brought to see me. He said, "How bad can it be?"

MR. KLEINMAN: I object to all of this, Your Honor. That is not responsive to my question.

THE COURT: I am going to permit him to answer. I think you have opened the subject and I think you ought to have a complete answer.

MR. KLEINMAN: May I have an exception?

THE COURT: Yes.

THE WITNESS: My brother was brought to see me. I wanted to break the news to him myself. He said "How bad can it be?" on the phone when I called him. I said "It is very bad." He came down to the Widener Building. When I told him what I had done, he went white. Two of the FBI men jumped up. They thought he was going to collapse. But he didn't. He said, "You jerk, how could you have done it?" Then he says, "You couldn't have done it. You are trying to cover somebody else up." I told him I wasn't,

that I had got all the information on atomic energy which I had gotten from Klaus Fuchs and had given it to a Soviet agent. The following night my father was brought down. I told him. He said "Was it the Russians?" I said "Yes."

When I was arrested my father went into voluntary custody. It was as if there was a mountain in front of me. I fought desperately for time for a week. When the jig was up, I said "Yes. I am the man to whom Klaus Fuchs gave the information on atomic energy." But I wasn't going to squeal. I wasn't going to inform. I was going to take the whole - I was simply going to admit what had happened with Fuchs. I was going to cover everything up, Sam's identity, everything. I was just going to admit, go before the Judge, say, "I am guilty," and let happen what may. There was this mountain in front of me. When I saw my brother, part of the mountain came down. When I saw my father, the rest of the mountain came down.

Later they visited me at Holmesburg Prison and they said they were going to mortgage the house --

MR. KLEINMAN: Is your Honor still permitting this to go in, these conversations with the father and brother?

THE COURT: You are seeking a motive for his apparent confession to the FBI, aren't you?

You have asked him questions to elicit that.
You wanted to know when he first began to inform.

MR. KLEINMAN: That is right.

THE COURT: You wanted to know the reasons for it.
He's giving you all of that now.

MR. KLEINMAN: I am trying to bring it down to the
issues in this case.

THE COURT: Perhaps in a little too much detail,
but, as I said, you have opened the subject.

MR. KLEINMAN: May I have an exception to your
Honor's ruling?

THE COURT: Do you want the rest of this?

MR. KLEINMAN: As to the father and brother, no.

THE COURT: As to the reasons for --

MR. KLEINMAN: No.

THE COURT: Perhaps we can save it for a while and
Mr. Saypol can bring it out on redirect examination.

MR. SAYPOL: Even though Mr. Kleinman did not expect
it, I think he ought to get it.

MR. KLEINMAN: What I have objected to is Mr.
Saypol's getting up and making these statements in reference
to the defense --

THE COURT: I want to admonish both sides to be
careful in their statements on objections.

MR. SAYPOL: I regret it but I don't think I de-

serve any admonition. The witness is answering responsively to a question that was asked by counsel in the course of a line of questioning --

THE COURT: Let us close the subject. Let me hear the latter part of the answer.

(The reporter read the following:

"Later they visited me at Holmesburg Prison and they said they were going to mortgage the house --")

THE COURT: All right, Go ahead.

THE WITNESS: They were going to mortgage the house to get money for my defense. This I didn't want. I saw Judge McGranery. I asked to see him, and he appointed John D. M. Hamilton as my attorney. I had stipulated three conditions --

MR. KLEINMAN: Your Honor, shall we go into that?

THE COURT: No.

THE WITNESS: All right, with the appointment of Hamilton as my attorney and Mr. Ballard as his assistant, practically all the rest of that mountain came down. But I still had not admitted to the FBI that Abe had given me information for the Soviet Union. I had disclosed many others, but I had not disclosed Abe yet.

Q Let me understand, Mr. Gold.

MR. SAYPOL: Is his answer finished now?

MR. KLEINMAN: I thought it was.

THE COURT: Is it?

THE WITNESS: Just one thing --

THE COURT: We have been brought down to lie.

You have disclosed others and you have not disclosed Abe.

THE WITNESS: That is correct.

THE COURT: You may proceed.

Q Did you tell the Judge in Philadelphia that you did not honestly ever in your life intend to harm or mean any harm to the United States? Did you say that to him? A The night that I was arraigned before Judge McGranery --

MR. KLEINMAN: Can't we get an answer, your Honor?

THE COURT: Did you say that to the Judge?

THE WITNESS: I am sure I said that to Judge McGranery the night I was arraigned.

THE COURT: Is there something else you wanted to add?

THE WITNESS: That was all.

THE COURT: All right.

Q After you pleaded guilty, you knew that your life was at stake, didn't you? A Surely.

Q After you pleaded guilty, you then for the first time spoke about Abe Brothman, isn't that right?

A No, sir, it was before I pleaded guilty.

Q Was it after you had determined to plead guilty?

A Your Honor, I said that I stipulated three conditions to Judge McGranery.

THE COURT: If those three conditions are relevant to the reply to the question, you go ahead and give them.

MR. KLEINMAN: May I put one question first so that you may determine whether they are relevant?

THE COURT: All right, put your question.

Q Were those three conditions met before you mentioned Abe Brothman? A They were conditions which I stipulated for myself. I was the only one that could meet them.

MR. KLEINMAN: I object to this.

THE COURT: No, you go ahead with your answer.

MR. KLEINMAN: Exception.

THE WITNESS: Here were the three conditions: first, I said that the lawyer appointed must permit me to talk to the FBI. Secondly, it must have no Communist or left-wing tinges whatever, and in conducting whatever mitigating circumstances there were for my defense, he must not put on a circus or show. The third point was that I must be permitted to plead guilty, and at this time I had not admitted that Abe had given me any information for transmission to the Soviet Union. Abe was among the very last disclosed. That is on record.

Q Those conditions were met. Your mind was made up

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that you were going to plead guilty, right?

A That's correct.

Q You realized, did you not, that your life was at stake in pleading guilty? A I knew it from the very beginning.

Q Do you expect any reward for testifying in this case? A No.

Q None at all? A None at all. You said reward.

Q Are you, to your knowledge, going to be a witness in some other cases? Just yes or no. A Yes.

Q You have discussed these matters with the Government agents and the United States Attorney as to your testifying in cases? A We haven't discussed them yet.

Q Who told you that you were going to be a witness in other cases? A It is my general understanding that I will be a witness. I think I have been up here about a month and there may have been some mention that I may be a witness in other cases.

Q You say there may have been mention? A There may have been mention.

Q Nothing was said to you directly or specifically about that? A Nothing was said directly or specifically.

Q Were other cases than this one discussed with you? Just yes or no. A Other cases besides this one have not yet been discussed with me.

Q Do I understand that you expect no reward for your testimony here? A That is correct.

Q And that no reward has been promised you or offered to you for your testimony here? A None.

Q Has anybody suggested to you that by testifying against Brothman you would help yourself from capital punishment? A No, absolutely no.

Q Did anybody tell you why your sentence was put over until December 7, 1940, which would be after the conclusion of the scheduled trials in which you are going to be a witness? A All I know is that when I was in court, the United States Attorney in Philadelphia Gleeson, asked for a postponement of the imposition of sentence. He said that he had reasons which he could not reveal in the court. He said there were ramifications, I think.

THE COURT: Are you about to go to another subject?

MR. KLEINMAN: I am about to take up some other blueprints.

THE COURT: We will recess at this point until Monday morning at ten-thirty, ladies and gentlemen. Of course I tell you at this point not to read any of the newspapers over the weekend that pertain to this particular case, don't listen to the radio or discuss it with anybody, and I wish you all a very pleasant weekend.

(Adjourned to Monday, November 20, 1950, at 10:30 a.m.)

UNITED STATES OF AMERICA

v.

ABRAHAM BROTHMAN and MIRIAM
MOSKOWITZ

New York, November 20, 1950,
10.30 o'clock a.m.

Trial resumed.

Present:

Mr. Saypol,
Mr. Cohn,
Mr. Foley,
Mr. Donovan.

Mr. Kleinman,
Mr. Messing,
Mr. Sattler.

(Defendants present.)

(Jury in box.)

bench?

MR. SAYPOL: May counsel have a moment at the

THE COURT: Yes.

(Conference at the bench not within the hearing
of the jury, off the record.)

(The proceedings were resumed in open court
within the hearing of the jury as follows):

H A R R Y G O L D resumed the stand.

MR. SAYPOL: I have a preliminary matter, if the Court will hear me.

In the course of cross-examination on Friday, counsel for the defendants was engaged in describing the indictment to which this witness has pleaded, I have a certified copy here, and it is a one-count indictment. I hand it to counsel (handing).

THE COURT: It is a one-count indictment, not a two-count indictment.

MR. SAYPOL: Yes. Apparently the clerk who read it confused the record.

MR. KLEINMAN: Undoubtedly that is right. I was simply reading from the record as read to him at that time.

THE COURT: Very well.

MR. SAYPOL: I don't think it is important. If counsel desires, it may be marked in evidence.

MR. KLEINMAN: Could we have it marked for identification so that I may refer to it later on?

THE COURT: Very well.

(Marked Defendants' Exhibit F for identification.)

THE COURT: I have received a report from Dr. Charles K. Friedberg, Mr. Saypol, in connection with the witness the Government subpoenaed, Alexander Svenchansky.

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MR. SAYPOL: Yes.

THE COURT: The sum and substance of it is -- of course it is in medical terms -- that he believes the witness's fever should subside in the next two or three days, and that, unless there are any other complications, the witness could be available for testimony, he thinks.

MR. SAYPOL: Very well. I have had some information to that effect, of course. I have to control myself subject to that situation.

THE COURT: Very well.

MR. KLEINMAN: Your Honor, I have been awaiting the arrival of one of my associates who has some papers and documents I intended to use in questioning the witness. It may delay us a minute.

THE COURT: Is there anything you can take up in the meantime?

MR. KLEINMAN: I will try, sir.

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Your Honor, I regret very much the request I am about to make, but we are waiting for certain articles which I want to show the witness in connection with some of these prints which are in evidence, and if you will give me just about three or four minutes I will go downstairs and make some effort to find out where they are. I know that they should have been here at 10.30. I was here much earlier myself.

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THE COURT: Does your associate have them?

MR. KLEINMAN: He has a valise full of things.

THE COURT: And he has not come to court yet?

MR. KLEINMAN: No, he has not come yet, your Honor. We did leave some papers downstairs, too, over the week-end and I should like to get those. Perhaps that might expedite it.

THE COURT: The jury may retire.

(The jury retired from the courtroom.)

THE COURT: We will take a short recess.

(Short recess.)

MR. KLEINMAN: Thank you very much, your Honor.

CROSS-EXAMINATION CONTINUED BY MR. KLEINMAN:

Q Mr. Gold, concerning the production of buna-S synthetic rubber, I direct your attention to that part of your testimony in which you identify certain exhibits and discuss certain actions and conversations. Now particularly with regard to Government's Exhibit 14 (handing paper to witness), I ask you: will you please study the portions of pages 18 and 19 and then direct your attention to this published article.

MR. KLEINMAN: May I have it marked for identification?

(Marked Defendants' Exhibit G for identification.)

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Q (Handing Exhibit to witness) Tell us whether or not the calculations appearing on the portions that I have indicated to you on Government's Exhibit 14 are a simple application of the principles given in the published article which has just been marked as a defendant's exhibit for identification which you have in your hand.

A Without spending too much time, in general these are an application -- the calculations that I have here in my handwriting are essentially the ones that are given in this article. They are straightforward engineering calculations.

Q Have you told us yet when Government's Exhibit 14 was prepared or given to you?

A Sometime between the beginning of January, 1942, and the first week in April of 1942. I can't place it any closer than that.

Q Looking at the article, what is the date of publication of the article? A 1940.

Q 1940. Is that right? A That is right.

Q You saw that article, did you not, before today?

A No, I did not.

Q Didn't you ever see it in the files of A. Brothman and Associates? A No, I was a chemist, Mr. Kleinman.

Q I merely asked you if you ever saw it in the files.

A No, I did not.

MR. KLEINMAN: I offer the article in evidence,
your Honor.

MR. SAYPOL: It is objected to.

THE COURT: Sustained.

MR. KLEINMAN: Exception.

Q It is true that the article, Defendants' Exhibit G
for identification, was prepared by the defendant Brothman.
Is that correct? A That is correct.

Q He was the author of that article?

A He was the author of the article.

Q So that in 1940 we have a printed article and in
1942 the information which you see on Government's Exhibit
14 was substantially the same as in that published article
of 1940. Is that correct?

A That is correct.

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THE COURT: I thought you just said a moment ago that you had no knowledge of that article.

THE WITNESS: I just looked at the article.

THE COURT: Oh, you mean that you are testifying what you just presently observed on the stand?

THE WITNESS: From what I just presently observed.

BY MR. KLETNMAN:

Q Is there a scientific periodical known as Product Engineering? A Yes there is.

Q And is that a well accepted scientific periodical?

A Yes, it is.

Q Did you ever read it? A No.

Q Never? A Never.

Q Never referred to any articles in it? A No. I read Industrial Engineering Chemistry. That was more in my field. You couldn't possibly cover all the literature.

Q Just a moment, Mr. Gold.

MR. SAYPOL: What was the rest of the answer?

THE COURT: He could not possibly cover all of the literature.

Q You mean you could not cover the whole literature in the field? A That is right.

Q But the publication Product Engineering is a well known and accepted publication in scientific circles,

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is it not? A I believe it is.

Q You do not question that, do you? A I don't know, I never read it. It is a McGraw-Hill publication, therefore I believe it is.

Q Will you look again, please, at Government's Exhibit 14. A (Witness examines exhibit.)

MR. KLEINMAN: May we have this marked for identification.

X (Marked Defendant's Exhibit H for identification.)

Q And I also show you Government's Exhibit 15. I show you also Defendants' Exhibit H for identification. Now, calling your attention to Defendants' Exhibit H for identification, did you ever see that published article before? A No, I did not.

Q Do you see the date of its publication?

A March 1943.

THE COURT: Just say yes.

THE WITNESS: I am sorry, your Honor. Yes.

Q Do you see the periodical in which it was published? A Yes, I do.

Q Did you ever read that periodical? A I used to occasionally read the periodical.

Q What is that periodical, what is the name of it?

A Chemical Metallurgical Engineering.

Q And you have read articles published in that

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publication? A Occasionally.

Q And is that an accepted publication in engineering fields and chemical fields? A Yes, it is.

Q I ask you to refer to the published article which you have in your hand. Looking at Government's Exhibits 14 and 15 and at the published article which you have in your hand, do the Government's exhibits contain any salient process information which is not also disclosed in the published article?

MR. SAYPOL: Before you answer, Mr. Gold. At this time, if the Court please, I interpose an objection to this line of examination. Quite obviously in respect to Defendants' Exhibits G and H, counsel is attempting to show that the information contained in Government's Exhibits 14 and 15 is available to the public through the media of the published articles Defendants' Exhibits G and H.

The witness's testimony in respect to Government's Exhibits 14 and 15 has been that the contents of these folders, these miscellaneous calculations, were fragmentary matters which were rejected by his Soviet superior. So that all of this tends to prove nothing. It does not prove the contents of the extensive report on buna-S which was turned over, and which, as far as we know here, was never turned back. In those circumstances I submit

that this is wholly irrelevant.

THE COURT: I will go one step further. Mr. Saypol, and say that the witness has further never professed that any of this was in each and every detail original. The point he made was that the Soviets nevertheless wanted tried processes and nothing that they could get from texts. Despite that, I will overrule your objection because I will let the jury determine whether or not it has any probative value at all.

MR. KLEINMAN: We have an unanswered question, your Honor.

A Mr. Kleinman, it would take a great deal of time to go through these pages here. There are about thirty pages here and there are five or six pages in the article.

Q Can't you by looking at them, by looking at the salient features which must be apparent to you, tell us whether or not there was anything in the Government's exhibits which did not appear, that is, salient features which did not appear in the published articles now in your hand? A There are some differences between the emulsion formulation.

Q Do you consider them salient differences?

A No, they are not. No, I wouldn't say there were salient differences.

MR. KLEINMAN: May we have this marked for identi-

fication.

(Marked Defendants' Exhibit I for identification.)

Q I show you Defendants' Exhibit I for identification and ask you if you ever saw this exhibit before?

A Some parts of the table of contents here resemble some of the data that was in the buna-S report.

Q Would you look at page 1?

THE COURT: What is your question?

MR. KLEINMAN: I want to call it to his attention.

Q Is that not the same as what you characterized before, the Government's exhibit, as the buna-S report?

A As I recall it, there are about two hundred pages in the buna-S report and I just had a general knowledge of what was in there that night.

Q Did you not say you assisted in the preparation of that report? A Yes, for a period of, let us say, nine o'clock to six - that is nine hours.

THE COURT: Didn't I understand your testimony on that phase to be that it was merely an editing job?

THE WITNESS: That is correct. I hesitate to elaborate on my answers. It was an annotating job.

That is what it was, an assembling.

Q Is Defendants' Exhibit I for identification the two hundred or three-hundred-page report on the buna-S production with the 50 or 100 drawings of which you spoke

previously in your direct examination?

MR. SAYPOL: I object to the question.

THE COURT: What is the question?

(Question read.)

THE COURT: I don't understand that to be a question.

MR. KLEINMAN: I want to find out if he can identify the document I have shown him, Defendants' Exhibit I for identification, as the report that he said he received on the buna-S production. He characterized some report as being 200 or 300 pages in length.

MR. SAYPOL: The point of my objection, if the Court please, is that the witness's testimony was that he turned that report over to his Soviet superior. I don't see how this can be the report.

MR. KLEINMAN: May I ask him if this is a copy of the report which he said he turned over to his Soviet superior?

MR. SAYPOL: Once again, his testimony was he assisted in editing and annotating that.

THE COURT: If he can identify that as a copy of the report, I will permit him to testify.

Could you identify that?

THE WITNESS: This first page checked against this looks like a duplicate.

Q What are you looking at now when you say it looks like a duplicate? A It looks like a copy.

Q You are looking at a portion of Government's Exhibit 15, are you not? A Is that what it is?

Q Yes. A That is right.

Q You are also comparing it to page 1 of Defendants' Exhibit I for identification. A Yes, except that there are some differences here - the butadiene is 44 per cent - but it does look like a copy. I would just like to note one thing. I said there were 25 to 50 blueprints, not 50 to 100.

Q Very well. With that understanding, does that look like a copy of the report which you said you gave to your Soviet superior?

THE COURT: If you can identify it.

MR. KLEINMAN: That is the purpose of my question, your Honor.

MR. SAYPOL: He has made some comparisons of the first pages. If the counsel intends to get a comparison on the whole thing, the witness would have to know if the whole report was comparable with this report.

THE COURT: Unless the witness can tell by glancing at it whether it is. If he can't he can just so state.

THE WITNESS: Looking at the first few pages, it

appears identical. I said that the report which I received was on onionskin paper and was a copy. The only point where it doesn't resemble it is in the fact that I recall the report I got as being much more extensive than the 67 pages that are here.

Q Do you see at the very end of the typewritten material the published article (indicating)?

A Yes, I do.

Q Did you ever see that published article before?

MR. SAYPOL: I make the same objection as heretofore voiced. May the record show I object to this line of questioning so that I will not unduly extend these proceedings?

THE COURT: Overruled.

Q Did you say you did? A I am looking at it, your Honor. I think I did when I came to work for Abe.

Q Yes. You saw the entire thing in the files of Abe Brothman and Associates, did you not?

MR. SAYPOL: That has not been his testimony.

MR. KLEINMAN: I am asking him.

MR. SAYPOL: It is either summation or --

THE COURT: Don't preface your question, Mr. Kleinman by "Yes, you saw it." Ask him a question.

MR. SAYPOL: Not only "you saw it," but "you saw the whole thing when you came to work for Abe Brothman."

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He has not so testified.

THE COURT: Rephrase the question.

Q Did you not see Defendants' Exhibit I for identification in the files of Abe Brothman and Associates while you were employed there?

A Not in the files.

Q Where did you see it? A Lying around on a desk in the office, and possibly there was one in the lab.

MR. SAYPOL: Is this in 1946?

THE WITNESS: 1946.

MR. SAYPOL: I submit that is wholly improper.

MR. KLEINMAN: Not at all. We are trying to identify it.

MR. SAYPOL: The testimony here is to something that transpired in 1941 or 1942.

THE COURT: Overruled.

Q Are there other copies of that report that you know of? A Which report are you referring to?

Q Defendants' Exhibit I for identification.

A This whole report?

Q Yes, the whole thing. A All I knew is that I got a report for transmission to the Soviet Union on material they wanted.

Q Did you read that report before you transmitted it? A No.

Q Did you look at it? A No.

Q Was it read to you? A No.

Q Did you not say before that when a paper or document or report was fragmentary in nature, that you did not turn it over to your Soviet superior?

A This was a complete report.

Q I asked you how you knew that it was a complete report. Did you read the report?

A I knew that it was a complete report because of its bulk, because I helped assemble it over nine hours that night, and because Abe told me it was.

Q Upon those representations, you assumed it was a complete report. Is that right?

MR. SAYPOL: I object to his assumptions.

THE COURT: Objection sustained.

MR. KLEINMAN: Exception.

Q I call your attention to the fact that the published article in the back of Defendants' Exhibit I for identification was published December, 1941. Is that correct (handing to witness)?

A Yes.

Q You turned over the report on buna-S to the Soviet superior when?

A Around the first week in April of 1942.

Q I ask you to look at Defendants' Exhibit I for identification. Does that not contain the probability mathematics which you said appeared in Government's Exhibit

14? A I will have to find it. Mr. Kleinman, it contained some mathematics which resemble -- that is, the Government's Exhibit 15 and Defendants' Exhibit I contain mathematics which resemble each other very closely. I haven't checked one against the other completely. They look like the same thing.

Q I show you Government's Exhibit 13, these blueprints (handing). I call your attention to the flow sheet indicated. Is it not true that the flow sheet indicated in the published article which you have before you Defendants' Exhibit I, and the text accompanying it convey substantially all of the information indicated on Government's Exhibit 13, the blue prints?

A Well, the flow sheet in the published article does not have the complete data that the Government's Exhibit has.

1wt THE COURT: As matter of fact, strike the "published" part, because there is no evidence in the record that it is a published article.

THE WITNESS: Oh, I see, I am sorry.

A (Continuing) The flow sheet in the article --

MR. KLEINMAN: Would your Honor accept that subject to connection?

MR. SAYPOL: Of course, the record, your Honor, --

MR. KLEINMAN: I am addressing myself to the

Court.

MR. SAYPOL: I likewise am addressing myself to the Court.

THE COURT: There is no sense in accepting it subject to connection because the moment you will establish some proof that it is a published article, then, of course, whatever reference is made will be made to a certain exhibit.

MR. KLEINMAN: May I not call it a published article, then?

THE COURT: I do not think you can.

MR. SAYPOL: May I get a word in?

THE COURT: I do not think you can because the record is absolutely bare of the fact that it is a published article.

MR. SAYPOL: I take it then that the Court's ruling is predicated upon the fact that these references are to exhibits which are not in evidence.

THE COURT: The Court's ruling is on its own motion, as a matter of fact.

MR. SAYPOL: I want the record to show then that I supplement my objection by reiterating it.

MR. KLEINMAN: May I have an exception to your Honor's ruling?

Q Refer to the article which is in your hand--

MR. SAYPOL: Again I object.

THE COURT: As a matter of fact, the piece of paper in your hand.

A With respect to the piece of paper in my hand and with respect --

MR. SAYPOL: Just a moment. I do not know what sort of procedure that is, referring to a piece of paper in the witness's hand and making comparisons on a formal court record, and I object to it.

Q Referring to Defendants' Exhibit for identification--

THE COURT: The objection is overruled.

Q Referring to Defendants' Exhibit H for identification.

A Referring to Defendants' Exhibit H and to the Government's Exhibits, the two blueprints which I have in front of me--

Q No. 13. A -- Government's Exhibit 13, the defendants' exhibit does not have in the flow sheet portion the completely detailed information which is given on this flow-sheet. Now, to tell whether all of the information on the flow-sheet is duplicated in Defendants' Exhibit H, I would have to take a little time to look at it.

Q Can you tell us whether it conveys substantially all the information contained in Government's Exhibit 13, referring to Defendants' Exhibit H for identification?

MR. SAYPOL: I object to the question as to form.

THE COURT: I will overrule it.

MR. SAYPOL: May I extend my objection by pointing out to the Court the use of the word "substantially".

THE COURT: Yes, I am aware of it.

MR. KLEINMAN: I did it advisedly, your Honor, or else I would have to ask him to read it all and take time in doing so.

THE COURT: Well, I might have something to say about that.

MR. KLEINMAN: I am sure your Honor would, but that is the only alternative, as I see it.

A Just scanning Defendants' Exhibit H and looking at Government's Exhibit 13, substantially the same information is contained in both exhibits, but I am not expert on buna-S.

Q You have had some familiarity with the subject, Mr. Gold, haven't you?

MR. SAYPOL: Now, perhaps I will renew my motion and ask that all of the witness's testimony be stricken on the basis of his last answer.

THE COURT: I will overrule it. Of course, it will be for the jury to ultimately determine how much weight they want to give to his line of testimony.

MR. KLEINMAN: May we have this marked for identification.

(Marked Defendants' Exhibit J for identification.)

THE COURT: Are you going to have more along this line?

MR. KLEINMAN: Yes, your Honor.

Q Did you know a Mr. E. Z. Barish? A I met Mr. Barish once, I believe.

Q And did you know Mr. A. P. Weber?

A I met Mr. Weber on several occasions.

Q And did you know that at one time Mr. Weber and Mr. Barish were associated with Mr. Brothman in Chemurgy Design Corporation? A Yes, I did.

Q Now I show you Defendants' Exhibit J for identification and ask you if you ever saw those articles or some of them?

THE COURT: Can you recall that, Mr. Gold?

A I have a hazy recollection of having seen them somewhere during the time that -- some of them anyhow, or one of them, during a time that I was working for Mr. Brothman in 1946 or 1948.

THE COURT: One of them?

Q Which one of them? A I don't know. I said hazy.

Q There are a series of articles dealing with the

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same subject, are there not?

A That is correct.

Q Can you tell which one of the articles you saw?

A I cannot.

Q Or having a hazy recollection of having seen?

A I cannot.

THE COURT: He says he cannot.

MR. KLEIMAT: All right.

Q But you are familiar with the subject matter dealt with in the articles, is that right?

A No, I am not.

Q Well, I show you Government's Exhibit 17 and ask you to look at it, please.

A Well, we must design the word "familiarity."

Q You identified Government's Exhibit 17 on direct examination, did you not? A Yes.

Q And you said that those documents were documents concerning what? A This is part of the material which I believe concerned mixing equipment.

Q Mixing equipment? A Yes.

Q In whose handwriting -- A They are in my handwriting.

Q -- are the first 22 pages of Government's Exhibit 17? A That's right, my handwriting.

Q Your handwriting? A They are in my handwriting..

Q You are familiar with what you wrote, are you not? A No, I am not. The mathematics here is far beyond me. I copied.

Q Tell us from what you copied.

A Probably some material given to me by Abe -- either dictated or given to me.

Q I ask you -- A Fragmentary material.

Q I ask you if the subject matter in Government's Exhibit 17 is not substantially the same as the subject matter of the defendants' which you now have in your hand, Exhibit J for identification.

MR. SAYPOL: I renew my objection and for the additional ground that Exhibit J for identification is not in evidence.

MR. KLEINMAN: Would your Honor accept it subject to connection?

THE COURT: He just asked him to make some comparisons. If it is not connected, there will be nothing before the jury.

MR. SAYPOL: I do not think it belongs in and obviously it is far-fetched and away from the main issue in this case.

MR. KLEINMAN: I ask your Honor to instruct the jury to disregard Mr. Saypol's comments.

THE COURT: Yes, disregard them. What is the question?

Q (Question read.)

A There is an awful lot of mathematics --

MR. SAYPOL: I take it your Honor is deliberating?

THE COURT: No.

MR. SAYPOL: Oh, I am sorry.

A (Continuing) There is an awful lot of mathematics there which are beyond my knowledge to comprehend. That is why I said I was not familiar.

THE COURT: Is that your answer?

THE WITNESS: No, but I am checking one against

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the other. It is the same subject-matter all right, again mixers.

Q And would you not say that those two papers that have been looking at, Government's Exhibit 17 and Defendants Exhibit J for identification, deal with the same subject-matter? A They deal with the same subject-matter.

Q You said before that while you wrote the first 22 pages you did not understand what you wrote. Did I understand you correctly? A That is correct.

Q Were you copying from some other papers at that time? A I cannot recall.

Q Was the thing being dictated to you by someone?

A I cannot recall.

Q That is, the thing that you wrote? A It was either being dictated or I was copying from other papers.

Q Do you know how to use a slide rule? A Yes, I do.

Q Were you using a slide rule when certain formulae were being dictated to you, or when equations were being dictated to you? A I will have to check and see whether I made calculations here. Those are only mathematical formulae. I wasn't using a slide rule on this part that is in my handwriting. They are only mathematical formulae.

Q All right. Did you not say, Mr. Gold, that the

material in Government's Exhibit 17 is but part of the original mathematics on which Defendants' Exhibit J for identification is based?

MR. KLEINMAN: If he knows, if the Court please.

THE COURT: All of this, of course, is if you know or if you can say.

THE WITNESS: Your Honor. I am being asked to expert on a subject on which I am not expert.

THE COURT: All right.

THE WITNESS: And that is why I am taking time in looking at this material.

THE COURT: You can save a lot of time by saying you are not expert and you cannot therefore answer, if that is the case.

THE WITNESS: I can't really answer these questions. I know nothing -- all I know is that they are probability mathematics here.

Q Did you not say before that the probability mathematics in both papers that you have been comparing concern the same subject matter? A Once again we come to the same thing. I am being asked to expert on matters which I know very little about, and I have tried to give straightforward answers.

MR. KLEINMAN: I move to strike that out.

THE COURT: The motion is denied.

MR. KLEINMAN: Exception.

Q Is there anything in there, Mr. Gold, which you understand on the score of mathematics?

MR. SAYPOL: Just a moment. This is merely more argumentative questions.

THE COURT: We are getting too far afield and I am going to sustain the objection.

MR. KLEINMAN: Exception, please.

THE COURT: I have given you wide latitude on this, and I am going to ask you to expedite this, if you can.

Q Calling your attention to Defendants' Exhibit J for identification -- A This one?

Q Yes. -- did you not see many copies of that in and around the office or the laboratory of Abe Brothman and Associates? A I said before that I had a hazy recollection of seeing one or possibly more of these articles around. About how many or how many there were, I don't know.

Q Returning for a moment to the question of the nickel catalysts, on which we had some testimony, didn't you perform several experiments for Brothman either in your laboratory at Penn Sugar Company or some other place?

A Yes, I did.

MR. SAYPOL: May we have the time fixed?

THE WITNESS: They are not experiments, by the way.

MR. KLEINMAN: I will fix the time.

THE COURT: All right.

Q You say those were not experiments? A No.

Q What would you call them? A Just analytical work.

Q Is there some distinction between experimental and analytical work? A Yes.

Q Did you perform this analytical work for Mr. Brothman at Penn Sugar Company laboratories? A Yes, I did.

Q When? A Sometime in either very late 1942, possibly early 1943. I am not sure of the dates, either.

Q Were you assisted in that work by somebody in the laboratory? A Yes, I was.

Q What is that person's name? A Morrell Dougherty.

Q Was Morrell Dougherty a regular employee of the Penn Sugar Company? A Yes, he was.

Q Were you and he friends? A Yes, we were.

Q Did you both work together at the same place?

A Yes, we did.

Q How long have you known Mr. Dougherty? A Twenty-one years.

Q While you and Mr. Dougherty were working at the

Penn Laboratory, was Dr. Reich your superior? A Yes, he was.

Q Did there come a time when Dr. Reich either quit or was displaced, removed, from his position at the Penn Sugar Company? A Dr. Reich left. As to what happened between him and Penn Sugar, I can't say.

Q You and Morrell Dougherty took over Dr. Reich's duties? A No, we did not. Good Lord, no.

Q Who did take over his duties? A About four or five men.

Q You remained after Dr. Reich left, is that right?

A That is correct.

Q How much time did you spend on this work; that you were doing for Brothman with reference to the nickel catalyst production in the laboratory of the Penn Sugar Company? A We spent a whole night, worked through a whole night, on it as I recall.

Q At that time - and I believe you fix it as at the end of 1942 or early 1943; is that correct?

A That is correct.

Q At that time, did Mr. Brothman frequently talk with you about problems he encountered in the catalyst process? A Yes, he did.

Q That was during the time he worked on the process. Is that right? A That is correct.

Q Did Mr. Dougherty work on those matters with you?

A Yes, he did.

Q Is Mr. Dougherty married or a single man?

A He is married.

MR. SAYPOL: At this time I will start imposing an objection.

THE COURT: He said he was married.

MR. SAYPOL: I am talking about the general line of questioning. I don't see its connection here.

THE COURT: I don't either.

MR. SAYPOL: I assert my objection.

Q In testifying in direct examination you said, did you not, that you spoke of a book on mixer design which you gave Sam and which you said represented the design methods of Hendrick Manufacturing Company. Do you recall that?

A I recall that all of the material that Abe gave me on mixing was in a ring book. It was all assembled in a ring book, big rings, at least three inches in diameter. The material was in it. I didn't speak of a book in the sense of a published book.

MR. KLEINMAN: May I have this marked for identification.

X (Marked Defendants' Exhibit K for identification.)

MR. SAYPOL: Might this be a good time for the usual recess?

THE COURT: I didn't intend to take a recess in view of the delay, but if you care to have one --

MR. SAYPOL: I have no choice in the matter. I just noticed we are fifteen minutes behind.

THE COURT: We were fifteen minutes behind in starting, and since you have a motion to argue and you want to get out a little earlier, I thought we would sit right through.

MR. SAYPOL: It is all right with me.

Q I show you Defendants' Exhibit K for identification and ask you if that is a report on mixer design with the 100 nomographs of which you spoke on direct examination?

MR. SAYPOL: I object, if the Court please.

THE COURT: You are objecting to the inclusion of the 100 nomographs, are you? I didn't hear that.

MR. KLEINMAN: I withdraw it.

Q I ask you if that loose leaf book you have in front of you, Defendants' Exhibit K for identification, is a copy of the report on mixers that you said you gave to Sam. A You are asking me whether this huge amount of material here is a copy of something that I turned over - let us see - eight years ago.

THE COURT: Without the comment, is it that you can't say?

THE WITNESS: I can't say without examination and without really thinking on this.

Q Did you read the book you gave to Sam before you gave it to him? A I stated that I went to this little stationery store, got some wrapping paper and wrapped it up. I leafed over it just as I am leafing through now.

Q Can you tell us, by leafing over it, just as you did then, whether that seems to be the same thing or a copy of the one that you gave to Sam? A It seems to be the same thing except that the one that I gave to Sam was much more extensive. I recall a far greater bulk.

Q Bigger than the one you have in front of you?

A Yes.

Q Can you tell us whether in format it appeared to be about the same?

MR. SAYPOL: That is objected to.

THE COURT: That is sustained.

Q Was it in a loose leaf book?

MR. SAYPOL: He so testified, with three big as I recall it.

THE COURT: The answer is yes?

A It was in a loose leaf book.

Q Were the big rings you testified about, about

the same as you see now in front of you on that Defendants' Exhibit K for identification?

A I don't know. It seemed to me they were even a little bigger than the ones I have here.

Q You say you turned that over to Sam? A I turned it over to Sam.

Q Did you get it back again? A No.

Q Is that the last you saw it? A The last I saw of it.

Q Did you not see Defendants' Exhibit K for identification in the files or in the office of A. Brothman and Associates?

MR. SAYPOL: When?

THE COURT: Fix the time, please.

MR. KLEINMAN: I want to find out if he saw it and then I will fix the time. May I do it my way, Judge?

THE COURT: I will permit him.

MR. SAYPOL: I am often interrupted by counsel. I would like to state my objection fully without interruption. When counsel asks a question of that kind, I think he should preface it by fixing the time.

THE COURT: Do you remember the question? Did you ever see that book?

THE WITNESS: I don't recall seeing this book.

THE COURT: Very well. Would any of the

ladies or gentlemen of the jury like to have a recess?

(No response.) All right.

Q Did you have any discussions with Mr. Brothman as to for whom the mixing equipment design was being prepared?

MR. SAYPOL: Does Mr. Kleinman mean in respect to the final report turned over to Sam, or generally? In those circumstances I would have to object.

THE COURT: I will overrule the objection.

MR. SAYPOL: I hope the witness understands what is implied.

MR. KLEINMAN: If he doesn't, he just has to say he doesn't.

Q Do you understand the question?

A Will you repeat it, please.

Q (Question read.)

A It was being prepared for the Soviet Union, and Abe told me it was material of the type in use in the United States.

Q You mean that the original report, the report that you got, Abe was preparing for the Soviet Union at your request? A At the request of my Soviet superior.

Q But you are the one who told Abe about what your Soviet superior told you? A Yes, I told him what was wanted.

Q You told him, "We want a report on the buna-S."
Is that right? A I told him "We want a report on buna-S."

Q The papers you turned over to Sam, were they on anybody's letterhead? Did it have anybody's name on it?

A There was a lot of blueprints and stuff there from the Hendrick Company.

Q Did you see for whom the blueprints were being prepared? A No, I had no opportunity.

Q Did you not look at the nameplate? A I looked at the nameplate, Hendrick.

Q I understood it to be your testimony that what he wanted was a known process and a used process. Isn't that what you said? A You haven't given me a chance to answer.

MR. KLEINMAN: May I have a direct answer?

THE COURT: You may go ahead and answer.

THE WITNESS: In this case I was told that there was a particular piece of mixing equipment among those in the buna-S report in which the Soviet Union was vitally interested. I told Abe about this, and he told me he would prepare a master report. I told Sam about it and Sam said --

MR. KLEINMAN: I move to strike out what Sam said.

MR. SAYPOL: I think the answer is responsive.

MR. KLEINMAN: No, I objected to the answer originally.

MR. SAYPOL: It is responsive.

THE COURT: I believe I will permit you to tell us what Sam said.

MR. KLEINMAN: May I have an exception to your Honor's ruling.

THE WITNESS: I told Sam about it and Sam said that he wanted the material. There was a piece of vital equipment, some sort of mixing equipment, involved in the buna-S report. Abe said that it was in the Hendrick file. He couldn't get it but he would prepare this master mixing report. I reported to Sam, as I usually did, verbally, also a written report, and Sam said, "Well, let him go ahead with it but it has to be stuff which is in actual use in the United States." I told Abe about this, and he said it was being used all over the United States.

Q Did he tell you where, what particular places?

A No, he did not.

Q Did he tell you for whom the report had been made up originally? A No, he did not. Oh, yes - wait a minute, now it comes back. It also comes back why Sam accepted it.

MR. KLEINMAN: I move to strike out the mental

process.

THE COURT: No.

THE WITNESS: There was some firm out in the mid-west, an engineering firm, for whom the report was being prepared, and that is why Sam accepted it, because it was for an American firm.

Q Do you know the name of the firm? A No, I do not.

Q Do you know when that was being prepared for this engineering firm out in the midwest? A It was in the period starting in the summer of around June or July of 1942, up until November of 1942. My recollection is very vague here.

Q I call your attention to the first sheet on Defendants' Exhibit K for identification and ask you if that refreshes your recollection as to the name of the firm for whom the report was prepared (handing)?

A No, it does not.

Q Looking at the nameplates of some of the drawings in that, does that help to refresh your recollection as to whether or not Brothman was then still connected with Hendrick Company when he prepared the report in front of you? A I have stated that Abe was not connected with the Hendrick Company after sometime in June 1942. I have stated that there were Hendrick blueprints in the

report which I turned over to Sam.

Q Will you tell us which blueprints are those that you turned over to Sam, from looking at the report in front of you, and look at the nameplates on each of them.

MR. SAYPOL: It would seem to me that would be a rather large order.

MR. KLEINMAN: It may very well be.

MR. SAYPOL: Let me put it this way: let me object to the question on the ground that its objective seems to be to ascertain from this exhibit marked for identification the names on other blueprints turned over to Sam. I can hardly see how the witness can do it --

THE COURT: I will overrule your objection on that ground. Can you tell us whether or not it refreshes your recollection as to those blueprints?

THE WITNESS: I am confused by the question very frankly. All I know is that I turned over a lot more material than this to Sam. There were Hendrick blueprints in there.

Q Were there any blueprints that were not Hendrick blueprints that you turned over to Sam? A It is possible.

Q Is that your best answer? A That is the best answer. There were a lot. There was an awful lot

of stuff there.

Q Did the blueprints you turned over to Sam, deal with the same subject-matter these blueprints now in front of you, in that volume, Defendants' Exhibit K for identification, deal with?

A Your Honor, these are very difficult questions to answer with a flat statement.

THE COURT: Then you won't give a flat statement. You answer questions as best you can.

THE WITNESS: Will you repeat the question?

Q (Question read.)

MR. SAYPOL: My objection is this, the most that can be done with this exhibit for identification is to refresh the recollection of the witness; and if his recollection is not refreshed, then obviously he can't tell, he can't answer.

THE COURT: What is your answer to it? Do you understand the question?

THE WITNESS: Yes, I understand the question. The blueprints that I see here deal with mixing; the blueprints I turned over to Sam dealt with mixing.

THE COURT: That is all you can say?

THE WITNESS: That is all I can say.

THE COURT: Whether or not they are the same blueprints, you can't say?

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THE WITNESS: No, I cannot.

MR. KLEINMAN: I ask to have these marked
for identification.

X (Marked Defendants' Exhibits L and M for iden-
tification.)

Q I ask you if you ever saw these documents before
(handing). I am referring to Defendants' Exhibits
L and M for identification.

A No, I never did.

Q Did you ever have any discussion with Brothman concerning patents that he took out on devices which are in front of you and which you have been looking at, these last two Defendants' Exhibits for identification?

A No, I did not. We had far too much work to do in the lab to worry about these things.

Q Can you tell us from looking at those two papers, Defendants' Exhibits I and M for identification, whether or not you recognize the devices which are shown therein?

THE COURT: Do you think that is proper cross-examination? The witness says he has never seen them. In fact, you are making him your witness on this.

MR. KLEINMAN: I will take his answer on that, your Honor.

MR. SAYPOL: I object to it as immaterial and irrelevant.

THE COURT: I will overrule it. I say again, candidly at this point that I do not know just how much weight is to be attached to any of this. As a matter of fact, on the state of the record, I just doubt whether or not any comparisons have been shown, on the present state of the record. All we have now are some questions and we have some replies to those questions, but whether or not there exists for purposes of comparison before a

jury any basis at this point, I have great doubt in my mind.

MR. KLEINMAN: Your Honor, I should have liked to arrive at the ultimate answer sooner, and I am sooner that I could not shorten the process in the examination of the witness, but I did the best I could.

MR. SAYPOL: I submit that the ultimate answer, whatever it is, is wholly immaterial.

MR. KLEINMAN: I think it is highly material. There was a cloak of mystery about these patents and papers--

THE COURT: What I am trying to say is that I do not believe there is any ultimate answer for the jury on any question as yet. There is nothing to argue from that is as yet before the jury.

MR. KLEINMAN: But, your Honor, they have introduced these blueprints and other papers and documents--

THE COURT: There has been nothing else that has been introduced before the jury to draw a comparison from.

MR. SAYPOL: The testimony that the witness gave was in conjunction with these various matters in direct line with the charge. This is offered completely on a foreign discussion.

MR. KLEINMAN: I am trying to explain what these matters were, your Honor, to get an understanding of what

they are.

THE COURT: I know what you are trying to do and I have given you permission to go ahead, but we are going far afield. I am permitting you to do it.

MR. KLEINMAN: Thank you.

THE COURT: As a matter of fact, I do not see that the Government charges at any point that they were secret processes or even if they were it is completely immaterial.

MR. SAYPOL: That is exactly my point.

MR. KLEINMAN: Your Honor, we went through many hours of introducing those things in evidence.

THE COURT: That is correct, and whether or not they were secret or not secret is immaterial.

MR. KLEINMAN: Your Honor recalls that I objected at the outset to each of these things and to the entire line.

THE COURT: The Government was offering it for another purpose. The Government was offering it for the purpose of showing association between the defendants.

MR. SAYPOL: I can put it no better.

MR. KLEINMAN: As far as association is concerned, your Honor, that is no proof of motive or no proof of criminality.

THE COURT: Motive is another point. I just spoke

of association.

Now what is the question?

MR. KLEINMAN: May I try to get the answer from him?

Q Do you remember the original question, Mr. Gold?

A No, I would like to have it re-read.

Q (Question read.)

A These are patent specifications and patent specifications are highly specialized things.

THE COURT: Is it your answer that you do not recognize them?

THE WITNESS: It would take an awful lot of study before I could give an answer.

THE COURT: At this time you do not recognize them?

MR. KLEINMAN: Could we find out from Mr. Gold:

Q Do they deal with mixers? A One deals with the turbine type mixer.

MR. SAYPOL: I move to strike out the answer. This cross-examination is obviously a technique of getting the contents of a document not in evidence into the record.

MR. KLEINMAN: I will offer them in evidence, your Honor.

MR. SAYPOL: I object to it.

MR. KLEINMAN: These are official documents.

THE COURT: What do you mean they are official?
What makes them official?

MR. KLEINMAN: Well, the fact that they are patents.

THE COURT: They are patents, you mean?

MR. KLEINMAN: Yes, they are.

THE COURT: Well --

MR. SAYPOL: What about it? May I phrase it
rhetorically: what about it?

MR. KLEINMAN: I will be glad to answer all of
Mr. Saypol's questions but if I do I am sure your Honor would
not like it.

MR. SAYPOL: And I would object.

THE COURT: I probably would not like it and I
probably would not allow Mr. Saypol to answer your questions.

MR. KLEINMAN: But I do not want to go beyond
that point.

MR. SAYPOL: Seriously, though, I do not know
what this has to do with the case.

MR. KLEINMAN: Why, your Honor, this has to do
with the case in this respect. He keeps asking rhetorical
questions and I do not get a chance to answer.

THE COURT: Don't answer it. I know very well what
you are attempting to establish. I think Mr. Saypol
understands what you are attempting to establish. What

he is trying to say is that it is still immaterial.

MR. SAYPOL: I am saying it a little different.

THE COURT: Your objection is to the introduction of this physical exhibit and I sustain that objection.

MR. KLEINMAN: Exception, sir.

THE COURT: I sustained the objection not on the ground that it is not an official document, but I have sustained it on the ground that there hasn't been a proper foundation made for the purpose of establishing a basis for comparison.

MR. KLEINMAN: Do I understand from that, your Honor, so that I won't go counter to your Honor's ruling, that it is because he says that he could not understand what they were and was not an expert at it?

THE COURT: That is correct.

Q I show you Government's Exhibit in evidence 12 and ask you if that is the exhibit concerning which you testified that you did not turn over to Sam?

A That is correct.

Q Tell us why did you not turn that exhibit over to Sam? A Because it was a fragment. There was no descriptive matter accompanying it as to particularly what resin was being manufactured.

Q You can read those blueprints, can't you?

A I have said that I can't read blueprints. I can

get a general idea from them, but I can't read blueprints.

Q But you can by looking at those prints tell us that it is not complete, is that it?

A No, I said that there was no descriptive material --

Q All right. A It was just blueprints.

Q So that when you got the prints you decided not to turn them over to Sam, is that right?

A That is correct, because I had had my knuckles smartly rapped--

MR. KLEINMAN: Your Honor, if I get an answer can't I interrupt the rest of it, which is an explanation of the answer?

THE COURT: May I have the rest of that answer, please?

THE WITNESS: Yes, sir. I had had my knuckles very smartly rapped on a number of occasions for trying to turn over blueprints, so I got vary trying to turn over fragmentary blueprints.

Q What I am trying to find out, Mr. Gold, is this: You had sufficient knowledge of the reading of blueprints to determine for yourself whether to turn over the blueprints to Sam or whether to keep them, is that right?

A No, that is not right. What I have said before, and I will say it again: I was given blueprints, I was given no descriptive material with it; therefore, I did not

turn it over. At that time I had very little time to do too much considering of anything. I was working 60 or 70 hours a week at Penn Sugar and I was very busy otherwise.

MR. KLEINMAN: I move to strike the latter part of his answer, your Honor.

THE COURT: Overruled.

MR. KLEINMAN: Exception.

Q When did you receive those blueprints in front of you, Government's Exhibit 12 in evidence?

A As I have stated, it was sometime in December of 1941. That's right, yes, 1941.

Q Did you ever turn over those blueprints to Sam?

A No.

Q Was that also because you did not have the descriptive matter, the explanatory matter?

MR. SAYPOL: He has already testified to that on direct and also on cross.

THE COURT: That is right, he has.

MR. KLEINMAN: He has not stated at any time, Judge.

THE COURT: Oh, yes, yes.

MR. KLEINMAN: I want to find out if at any time he turned it over to Sam.

THE COURT: He said he never turned it over to Sam.

THE COURT: He said he never turned it over to Sam.

MR. KLEINMAN: All right, very good.

May I have this marked for identification?

(Marked Defendants' Exhibit N for identification.)

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Q I show you Defendants' Exhibit N for identification and call your attention to the publication date and ask you if that corresponds to the time when you received the blueprints, Government's Exhibit 12.

MR. SAYPOL: I object to the question.

THE COURT: I will sustain the objection on the basis of your statement that it is a publication. There is nothing in the record that indicates that it is a publication. It is a piece of paper. "I call your attention to a date." Now, rephrase your question.

MR. KLEINMAN: Very good, sir.

Q I call your attention to the date on that paper, Defendants' Exhibit N for identification, and ask you if the date on that piece of paper corresponds to the date when you received the blueprints which you did not turn over to Sam?

A I fail to see the connection.

MR. KLEINMAN: Now, your Honor, I move to strike that out. I do not want him commenting on my questions or on any connection.

to it sometime, Judge.

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MR. SAYPOL: I think that my friend has judged me by standards that are far too rigid. I do not think I am guilty of all of this that he is accusing me of. I am trying to keep going here.

THE COURT: All right, what is the question?

The lawyers have gotten this off the'r chest and I think we have been pretty good so far, considering that it is a Monday morning and it is a sort of a blue morning.

What is the question?

(Question repeated.)

A Yes.

Q Does what appears on Defendants' Exhibit N for identification describe a process for the manufacture of urea formaldehyde plywood glues?

MR. SAYPOL: I object to it.

THE COURT: Overruled. Well, I will sustain the objection on your question: Does it set forth a process? If you are going to re-word your question so that you ask him whether it sets forth the same process, I will permit you to ask that question.

MR. KLEINMAN: Or substantially the same, may I put it that way?

THE COURT: First you may ask him whether it is

the same.

MR. SAYPOL: Even there I would urge my objection.

THE COURT: I will overrule the objection.

Can you tell us?

THE WITNESS: It says urea resin plant. It doesn't say anything about plywood here. Yes, it does, in the body of the report.

BY MR. KLEINMAN:

Q And does that describe a process indicated on the blueprint?

THE COURT: The process.

Q (Continuing) The process. A There is no process indicated on the blueprint. It says, resin kettle, preliminary layout study, Synvar Corporation. On another one it says, 1000 gallon W.C. resin kettle. On another one it says "Surface Condenser."

THE COURT: Is this another way of saying that you cannot say whether or not it is the same process?

THE WITNESS: I cannot.

THE COURT: Well, I wish you would say that much sooner and we would save a lot of time.

MR. SAYPOL: So that the record may be clear, may it show that the name that the witness has read is from the exhibits in evidence.

THE COURT: On Exhibit 12.

MR. SAYPOL: That is right.

A I cannot say.

Q You told us before that you had performed some analytical work for Brothman at the Penn Sugar Company laboratory? A Yes, sir.

Q Did you do such work in 1945? A In 1945? I had it done. I didn't do it at the Penn Sugar Laboratory.

Q Who did it for you? A It was done by a man at Columbia University.

Q Was he employed at the Penn Sugar Company?

A No, he was not.

Q And you went to Columbia and met a man here, is that it, in New York? A It is a very long story --

Q Well, I have asked you a simple question.

MR. KLEINMAN: Your Honor, I have not invited any long answer.

THE COURT: No. Your simple question was whether or not he had it done at Penn and his answer was No.

MR. KLEINMAN: That is right.

THE COURT: But he volunteered something.

MR. KLEINMAN: That is right.

THE COURT: Do you want the rest of it?

MR. KLEINMAN: All I am trying to find out is, did he come to New York and ask the man to do it in New York, or did he do it there at Penn Sugar Company in

Philadelphia. That is all I want to find out.

MR. SAYPOL: He says that is a long story.

THE COURT: Do you want the whole story?

MR. KLEINMAN: I want an answer to my question, your Honor, but no long story. I am sure that it can be answered either Yes or No or perhaps in a half dozen words.

THE COURT: Very well. Go ahead and answer it.

A I did not come to New York.

Q Were those experiments on the subject of urea formaldehyde resins? A Yes, they were.

Q Did you take part in those experiments?

A They were not experiments, they were analytical work.

Q Did you take part in those analytical works?

A When?

Q In 1945. A No.

Q Did you at any time? A No.

Q Why did you ask me "when"?

A Because later on I did carry out some experimental work at Abe Brothman Associates on urea formaldehyde resins.

Q In what year? A In 1947 -- 1946, 1947, 1948.

Q Did that deal with the subject matter that you had on those blueprints which you did not turn over to sam?

MR. SAYPOL: That is objected to as remote from the period in question.

THE COURT: Overruled.

A I do not know.

Q You mean there was no connection at the time that you were performing this analytical work, when you were working for Abe Brothman, in your mind between the work you were then doing, as you said, in 1947, and those blueprints that you received a long time before that, in 1942? A There was no connection in my mind.

Q Is there any connection now that I call it to your attention? A No.

Q What did you do with those blueprints that you did not turn over to Sam? A I kept them in my home.

Q Where did you keep them and in what fashion did you keep them? A This is what happened. When I --

MR. KLEINMAN: May I attempt to arrest the answer before he gives it.

THE COURT: You are going to tell us what happened?

THE WITNESS: I am going to tell exactly what happened with the blueprints which I never turned over.

THE COURT: All right.

THE WITNESS: When I went on a mission for the Soviet Union I used a one-track mind, I just concentrated on obtaining information from whoever was going to give it to me, and turning it over to my Soviet superior. I forgot work, family, everything.

When I returned, I just turned the switch and I used a one-track mind in regard to my work. And, as I said, I used to work about 60 or 70 hours a week. That 60 or 70 hours had a purpose, because its purpose was to permit me to take time off whenever I wanted to so I could make trips wherever I had to in the United States.

The secondary part of this was that I actually liked to work in the laboratory, and as a result of these hours and a very definite conscious attempt to obliterate all memory of what had gone before on these missions, because every time that I went on them I knew I was committing a crime -- I wasn't kidding myself, I knew I was committing a crime -- and so I tried to obliterate from my memory everything concerning it, and apparently I was too successful. The huge volume of material which had been found in my home, and to which one of the investigating agents had given the appellation of Fibber McGee's closet --

MR. KLEINMAN: I must arrest any appellations given by somebody else.

THE COURT: Strike out about the closet. Go ahead.

THE WITNESS: (Continuing) The huge amount of materials that was found in my home represents, as I have said, an all-too-successful attempt to obliterate all memory of my espionage activities. If I had continued

to think on them I would not have been able to do any work, because it would have bothered me too much.

Q All I tried to find out was where you kept that blueprint, Mr. Gold. A Somewhere around the house. Possibly in my room, later in a cellar-- I don't know.

Q Did you try to hide it? A No, I didn't.

Q Did you have it about with other papers in your home? A I had it about with many other papers and what happened to it afterwards, I don't know.

Q When you speak about your house, what address are you referring to? A When I speak about my home I am referring first to the address where I lived at 5032 Boudinot Street and later on to the address at 5823 Kindred Street.

Q You say that because of this one-track mind you were able to switch off and switch on to forget everything, and that you continued to put in long hours and hard work in order to give you an opportunity to get away from the Penn Sugar Company when you had to?

A That plus, as I have said, the fact that I genuinely like to work in a lab. I am happy when I am in a laboratory.

Q Whenever you went to New York did you do so during the working day or at night?

A I did so sometimes during the working day. When I saw Abe it was mostly at night. It was the longer trips

that I utilized my time off for. Trips to see Abe I made in the evening, most of them. There were a few that I made during the day.

Q When you went off on these longer trips who covered your work for you? A Who covered my work for me?

Q That is what I asked. A Morrell Dougherty.

Q Did you tell him where you were going?

A No, I did not.

Q Did you tell him the reason for the trips?

A I did not tell him the reason for the trips. I always invented an excuse as to where I was going but it was never the place where I said I was actually going.

Q Who was your immediate superior at that time at the Penn Sugar Company when you went off on these extended trips?

A Dr. Reich part of the time, and a man by the name of Alvare the rest of the time.

Q What was the first address that you gave us from which you moved to some other address?

A 5032 Boudinot Street.

Q Is that in Philadelphia? A That is in Philadelphia.

Q And when did you move from that address?

A Sometime around, oh, June or July of 1944 -- that's right.

Q What was your next address? A 6823 Kindred.

Street.

Q Were you at home when the actual move took place?

A Was I at home when the actual move took place?

Q Yes; did you assist in packing or wrapping or taking care of the moving of the furniture and the clothes, et cetera?

A I was there on the morning that the moving took place. I didn't assist in the packing of anything.

Q With reference to these blueprints that you had, the blueprints that you have identified here, did you pack them up in some containers or some boxes?

A I don't recall seeing them. The moving men did all the moving.

Q So that you had these blueprints out loose in your home someplace?

A I did not say I had them out loose. I said they were someplace in my home.

Q Can you tell us where?

A I cannot.

Q Did you attempt to conceal them?

A I don't even know that. I said that I tried to obliterate all memory --

Q I am not asking you about your memory. I am asking you about your actions with reference to the blueprints. Did you or did you not attempt to conceal them?

A I don't know.

Q Have you given any thought to that up to this moment as to whether or not you attempted to conceal

those blueprints? A I don't know. I said that I tried to obliterate all memory.

Q Well, take that blueprint which is now in front of you, the one that you folded up to indicate how it was folded up in your home. That had to do with a resin process, is that right? A That's right.

Q Did you consider that there was anything incriminatory about that blueprint?

A It was another firm's property which I had no right to.

Q Do you mean by that, Mr. Gold, that there was a question of larceny involved?

A That is correct.

Q But other than that was there anything incriminatory about that blueprint? A Would you define "incriminatory".

MR. KLEINMAN: Let me ask another question, if I may, your Honor.

Q Is it not the practice in the process engineering business to make many blueprints and to give them out upon request to persons who ask for a blueprint or information on an engineering process?

A I don't know about the process field, the process equipment field, but I do know that anyone at Penn Sugar who tried to give away a Penn Sugar blueprint would be out on Hackamaxon Street so fast --

Q You gave away Penn Sugar blueprints, didn't you?

A Oh, yes.

Q And you committed larceny, didn't you?

A Oh, yes.

Q You also stole some of their equipment, didn't you?

A Equipment?

Q Equipment. A No, I never stole their equipment.

Q Well, did you ever make off with a, I believe the name of it is a retractometer? Did you or did you not?

A I did not.

Q Did you ever borrow it for a while?

A I borrowed it.

Q For how long? A For a day or two.

Q While you were working at Penn Sugar did you visit Morrell Dougherty's home frequently?

A Yes.

Q And did you at one time with Morrell Dougherty make a survey for some plant in New Jersey?

A Yes, I made the survey.

Q Was Morrell Dougherty with you?

A No, he was not.

Q Was he a consultant with you on that project?

A He was, yes.

5 Q Did he at any time go to New Jersey to inspect that plant? A No, he did not.

Q You did the inspecting yourself?

A That is correct.

Q Was that while you were employed by Penn Sugar?

A That is correct.

Q And were you paid for making this survey of that plant? A Yes, I was.

Q Was that in the field of biochemistry? A It was in the field of distillery practice --

Q Now, did you -- A And in the field of biochemistry too, industrial biochemistry.

Q For which you were paid, is that right?

A Yes.

Q Did Mr. Brothman recommend you to the person who hired you to make that survey?

A That's what Abe told me.

Q Well, is there any question about that, Mr. Gold?

A He told me that he had recommended me to the person for whom I was to make the survey.

Q Yes, and you went to see that person, did you not?

A That is correct.

Q And you were paid for your work, weren't you?

A That is correct.

Q In what year was that? A That's a little hard. I think 1943, although I am not sure -- 1943.

Q Did you take time off from your work to make the survey for this plant in New Jersey?

A I had the time coming to me.

Q You mean you did not take any time off?

A Well, I was working sixty or seventy hours a week. I was supposed to work forty. So when I took a day off occasionally, it wasn't too heinous.

Q Did you ask permission to take the time off?

A Mr. Dougherty and I were more or less without too much direct supervision.

Q When you met these people in 1942 or 1943 --

A I didn't say 1942.

Q Are you sure it was 1943? A I said it was somewhere around 1943, though I am not sure of the date.

Q Can you fix the time more closely? A No, I cannot.

Q Is there anything that might assist you in refreshing your recollection? A No, sir, there is not.

Q When you went to work on that project, did you go to work under your right name or under the name of Frank Kessler? A I used the name, Harry Gold.

Q Which is your right name? A That is correct.

Q You have some distinction between experiments and analytical work. Is that correct? A That is correct.

Q Did you perform any experiments in connection with the job being done for the Chinese Nationalist Government by Brothman and his associates? A I did some - no, I didn't. I had the work done. I didn't know about the Chinese Nationalist Government.

Q You say you did not know about the Chinese National Government? A I didn't know about the Chinese National Government.

Q Did you ever meet any of the representatives of the Chinese National Government? A Years later, yes.

Q Where did you meet them? A In the Brothman offices and laboratories.

Q Do you recall when you first met the representatives? A Sometime right after I came to work for Abe, making it late May or early June of 1946.

Q Weren't you told by Abe that there was some work being done by him for the Chinese National Government, and didn't he ask you to do something in connection with it, to do this analytical work or to perform some experiments which he wanted you to report on? A We have had this question before, but in a different form.

MR. KLEINMAN: I move to strike that out.

THE COURT: Strike it out.

THE WITNESS: Abe gave me a sample of the material he said was partially polymerized urea formaldehyde, and

he said he wanted an elementary analysis of it. That is, he wanted the percentage of carbon, hydrogen and nitrogen in there, and I sent the material out and I had the work done.

Q How many samples of this did you analyze for Brothman? A I cannot recall.

Q Were you working for Brothman at that time?

A No, I was not.

Q Were you paid by him for the work that you did?

A No, I was not.

Q You say you did not do it, but you turned it over to somebody else? A That is correct.

Q Was that person paid for his work? A Yes, he was.

Q Who paid for it? A I did.

Q Didn't you ask Brothman to reimburse you?

A I cannot recall that I did.

Q You mean it never came up in any conversations with him? A No, I was doing Abe a favor. He asked me to do him a favor.

Q Was this experimental work performed in 1945?

A Yes, it was.

Q And did you receive upon occasion some letters from Abe in which he asked you to perform certain experimental work or analytical work for him? A Yes, I did.

Q By this time - that is in 1945 - your relationship with Abe was on a friendly basis, was it not?

A It had deteriorated from the rigid discipline which should have been exerted if we were really going to do what my Soviet superiors wanted me to do, and by 1945 I had been told two things; first of all, that they had no further use for him, and on a second date I was told that he was "hot" and to stay away from him.

Q He was hot in what sense? A He was hot in the sense that his identity as a source of information relating to espionage activities had been revealed to the Government.

Q Did Sam tell you that? A I think it was told to me by John, Sam's successor.

Q But despite that warning, you became more friendly with Abe? A That is exactly the point.

Q Did you become more friendly with him? A I just forgot about the warning. I totally forgot about it. I had so much on my mind I just forgot.

Q You found you had a lot of things in common with Abe. You were both interested in scientific matters, is that right? A That is correct.

Q And Abe was a man of family, and you used to visit his family, did you not? A I never visited Abe's family until I came to work here.

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Q Is that also true of never having visited Abe's home in Peekskill until you came to work for him?

A That is correct.

Q But when you first met Abe, you told him about your family, didn't you? A On orders from Sam.

Q Just answer my question. Did you tell him about your family? A Yes, I did.

Q Did Sam tell you to tell him that you had twins?

A Sam said, Tell him you have a wife and children.

Q Did he give you the names of Essie and David to give to Brothman? A Sam left the details to me.

Q Well, in any event, you established yourself as a family man, didn't you? A Yes.

Q You started to tell Abe from time to time some rather intimate details of your marriage, didn't you?

A Oh, yes.

Q You also told him rather intimate details about your two non-identical twins, Essie and David, is that true?

A That was on orders from Sam, who said, Dress it up.

Q Did Sam give you the details? That is what I am trying to find out. A No, Sam didn't give me the details. He just gave me the orders.

Q Did Sam, for example, give you the name, Helen Tavelman, to give to Brothman? A Did Sam --

Q Yes. A That is the name of a person I once knew.

Q Is that a person in existence? A Yes.

Q Is she in existence today? A I think so.

Q When did you last see her? A Oh, four or five years ago, maybe. I met her on a trolley car.

Q Where does she live? A Philadelphia.

Q Do you know her address? A No, I do not.

Q Do you know whether she is married or single today? A Oh, she is married all right.

Q Do you know to whom she was married? A She married a fellow called Frank Rabinowitz or Robbins, I think.

Q She didn't marry any nephew of the Goldenberg peanut chew business, did she? A Yes, he is.

Q Is Helen Tavelman a lady with one blue eye and one brown eye? A She is.

Q When you described this lady, did you tell Mr. Brothman that you were paying court to a Helen who had one brown eye and one blue eye? A Many, many years ago, yes.

Q But then you elaborated on that, didn't you?

A She was very beautiful, Mr. Brothman.

Q You told how you were losing out because a rich man came into her life. That right? A That wasn't exactly it. It is a long story again.

Q But is that what you told him? A It is a long

story --

Q Is that what you told Brothman?

THE COURT: He says its a long story.

MR. KLEINMAN: All I want to know is, is that what he told Brothman.

MR. SAYPOL: Does Mr. Kleinman mean the long story?

MR. KLEINMAN: Mr. Saypol has an engagement. Perhaps if we recess at this time, I will let him tell a long story when we come back for lunch.

THE COURT: Do you want to tell the story now or is it that long?

MR. SAYPOL: I would rather have it later because I am due up in another court, if we have it at all.

THE COURT: We will recess for lunch until two o'clock. Will that give you enough time to get back?

MR. SAYPOL: I think so, yes.

(Recess until 2:00 p.m.)